THE RIGHT TO DIE DECENTLY **HAROLD RUBIN**

THE NATION

FEBRUARY 4, 1978 *60 cents*

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LETTERS

Skyhorse-Mohawk

Scarsdale, N.Y.

Dan Blackburn's summary of the Skyhorse-Mohawk situation [*The Nation*, Dec. 24] is accurate and incisive. The trial, as he notes, is now certain to run well into 1978—far beyond the six months first anticipated—and if the six lawyers, investigators and staff are to continue to be paid, additional funds are needed. Tax-deductible contributions may be sent to ACLU Foundation of Southern California, 633 So. Shatto Place, Los Angeles, Calif. 90005, marked "Skyhorse-Mohawk."

W.H. Ferry

largess and conscience

Los Angeles, Calif.

I read in the financial page of the *Los Angeles Times* that you have changed ownership, editors, and that you have had two profitable years in your 112-year history. Congratulations. May your next 112 be no less healthy.

I came upon *The Nation* just about midstream of your existence at the University of Michigan, Ann Arbor, in 1921. Two years out of AEF uniform, trying to find myself, another student who hadn't been in service had to disturb my naiveté by giving me *The Nation*. It's been a long winding road. As I head into my 80th year, I can truly say *"Todah raboh, Nation"* ("Great thanks"). You were a beacon of light when I needed light so much.

While I have you on the line, may I ask you a question? Suppose a wealthy benefactor says, "Here, I want to give you $1 million as a gesture of good will." You . . . take his money and pretty soon he begins to let you know there are strings attached to the gift. . . . You decide to let him know that you are aware that much of his wealth has come from dubious sources and that you have provided him with the opportunity to ease a guilty conscience. Maybe he protests your explanation, but you have cleared the atmosphere—to your own satisfaction, at least.

Let's apply this allegory to Sadat's visit to Jerusalem, which will go into history as bold, daring, audacious. Completely out of the largess of his heart; his quest for peace. *Maybe*. But let's listen to a private recording of his distress talk—after receiving the invitation from Prime Minister Begin. . . .

"My dear wife, you are my supreme confidante. I must reveal something to you that I have told no one. Not even to Allah. I am going to Jerusalem to save my conscience. . . . We did not need that Yom Kippur war. I was pressured into it by people who claim to be our friends. Other Arab states, the PLO, the Kremlin. . . . I can't face people in the government, even the kitchen help, the gardeners who lost sons or fathers look at me as if I shot them down myself. . . . How can I live with myself unless I make peace with my enemies. . . . They are the children of the same grandfather Abraham. . . . Yes, I will go. . . . If a PLO fanatic kills me . . . I will die on my way to salvation. . . ."

Edward R. Robbins, M.D.

gentle reader

Stockton, Calif.

Please consider this a gentle rebuke. I am a new subscriber and really do not want to start our relationship with criticism, but I cannot let Robert Lekachman go unreproved.

In his article, "How New York Went for Broke" [*The Nation*, Dec. 31], Mr. Lekachman referred to Maxine Hong Kingston's *The Woman Warrior*. The book is about her girlhood in Stockton, Calif., not San Francisco.

Frances W. Taeger

EDITORIALS

Carter's State and the Union's

If President Carter's first year in office had not already revealed an enormous gap between the campaigner's promises and the elected official's actions, his first State of the Union speech and then his Budget Message would have been great disappointments. As it was, they were dreary confirmations of his do-nothing, hold-the-line Presidency.

The Wall Street Journal's main headline on January 24 says it all: "Business as Usual—Carter Budget Proposes Restrained Spending, Lacks Bold New Plans—It Seems Aimed at Pleasing Business and Not Liberals. . . ." As Carter himself put it to Congress, "Government cannot solve our problems. It can't set our goals. It cannot define our vision." That is certainly true of *his* government. It should not be true of *our* government. Carter's "vision" is that of an engineer, a mere tinkerer with what is there, as I.F. Stone noted in *The New York Times Magazine* of January 22. That means that he will leave the working of this system in the hands of the corporate America whose wispy "confidence" he courts.

The best government is the least government, he tells us, leaving things to the invisible hand of a market system grossly distorted by monopolies. He will go down in history as, among other things, the first Democratic President who has reduced the share of the national income which the government controls. If he has seen the future, he has retreated from it. Passive conservatism is in the saddle in Washington; it rides us all.

Fumbling Along

Justice is in trouble in this country. That is, the department of that name, perhaps not the abstraction represented by the blind goddess, though she is having her problems. Atty. Gen. Griffin Bell's bailiwick is the one with the acute case; it is suffering from politicalitis complicated by the fumbling syndrome.

It is odd to have to note this unhealthy circumstance just when Bell and Carter have at last found someone to take over the FBI, promising at least the hope of a cure for that organization's nearly terminal ailments. We'll have more to say about that in a moment, but the really scandalous goings-on over the United States Attorney in Philadelphia demand attention first.

The most vivid interpretation of the firing of the Philadelphia U.S. Atty. David Marston, after it was revealed that his office was investigating the strange doings of two Democratic Congressmen from that region, is that Bell and Carter were acting to put a stop to the looming prosecutions. That is the view gleefully suggested by that alumnus of the Watergate White House, William Safire, in his *New York Times* columns. The term "obstruction of justice," once used by others about the eighteen-and-a-half-minute gap on Rose Mary Woods's tape, is now applied fearlessly to the Attorney General and his Chief. The Republicans are delighted

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FORGERY

In our last issue we printed two letters which purported to come from "Esther Liebert, Professor" and "Yolanda Auletta, Professor," both of the City University of New York, protesting *The Nation*'s alleged failure to publish enough articles by women writers. We have learned as we go to press that these letters are forgeries. We regret that we and the two women have been made victims of this outrageous fraud and we retract, with apologies, every word of our editorial answering these letters, as they apply to Ms. Liebert and Ms. Auletta. More on this next week.

to make a case for hoisting the Democrats with that particular petard.

The charge is a trifle excessive, common sense tells us. The stakes were not that high in Philadelphia and there were easier ways out than to fire in a blaze of publicity a federal prosecutor who was known to be on the fresh and gamy scent of two Democratic stalwarts. Congressmen Eilberg and Flood were not worth saving at the cost of the destruction of the Carter administration's reputation for any sort of integrity.

That is not to say that Bell and Carter were not playing (clumsily) a discreditable, purely political game. The name of it is Politics and Prosecutors, and the Democrats share the patent on it with the Republicans. Carter in his campaign for the chief magistracy had nothing but scorn for this old partisan racket. "Merit" was to replace influence in the selection of all ninety-four U.S. Attorneys (of which Carter in his innocence told a press conference there were "hundreds"—his lame alibi for having let the Marston matter get out of hand).

A characteristic oddity of this scandal is that Marston himself is a product of this cynical but lively old system. When he was appointed to his job he was a 33-year-old lawyer on Senator Schweiker's staff, with invisible qualifications as a prosecutor (he had never tried a case until Ford appointed him in his last months in office). But Marston became, unexpectedly, something of a tiger and started sending politicians by the vanload up the river. Pennsylvania being quite Democratic, most of them swore fealty to the party of Carter and Bell, and the President has reason to recall with pleasure how his victory in that state's strategic primary ended the hopes of Jackson while giving his own precious "momentum."

We are told that the reason Marston was left twisting in Pennsylvania's fetid political winds for a year was that the Democratic powers there (including Philadelphia's awful Mayor Rizzo, who flunks polygraph tests) could not agree on a prosecutor whom Carter and Bell could swallow, even if they held their noses. That is a commentary, of course, on how federal prosecutors are chosen in this country and on the sincerity of Carter when he pledged that "merit" alone would be his criterion.

The truth is that Carter's new broom has stirred up a little dust in the middle of the room but left the old dirt in the usual corners. Prosecutors, with few exceptions, still come out of political organizations, their names funneled through the states' U.S. Senators; the President and his Attorney General, in defiance of the Constitution,

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have only a kind of veto on these machined choices.

Bell has fired Marston unquestionably with the knowledge and approval of Carter. He axed him after the Eilberg-Flood investigations became known, forcing him to make a showy offer to Marston of a three-months' reprieve in which, with all the odds against him, he was to be allowed to "complete" his probe of the Congressmen. Quite properly Marston refused this grubby deal. There is now a great bustling show of internal investigation within the Department of Justice on how this all happened. An elaborate machine whose moving parts are federal district judges had picked Marston's temporary replacement. But his "permanent" replacement will be the product of another kind of apparatus—a good old political machine.

Why not something better? Why not the best?

Top Cop

J. Edgar Hoover, bureaucrat, was ridiculous when he was not sinister, as we now know from the FBI files sprung through the Freedom of Information Act. The latest batch shows that, between 1966 and 1976 in the Chicago area alone, the agency had 5,000 paid spies informing on people and groups the Director deemed dangerous. His determination to preserve the Republic from "subversives" made him hire 300 informers at a cost of $1.6 million to tell him what the tiny Socialist Workers Party was quite publicly up to.

We recall these terrible absurdities in connection with the nomination by President Carter of Judge William H. Webster of St. Louis as the FBI's new director. Whatever else may turn out to be true about Judge Webster, it is clear from his record that this Republican jurist is not a closet fanatic. Square and unimaginative he may be, this "straight arrow" from the federal bench, and even, as *The Washington Post* noted editorially (January 22), with too "expansive [a] view of the powers granted to police and a quite limited view of the constitutional restrictions placed on them"—a rather serious charge—but he certainly does not harbor Hoover's wild fantasies about the "menaces to the security of this country," which Hoover found everywhere.

Judge Webster's character and background seem to lack the against-the-grain virtues with which life and his trials (in both senses) in Alabama had endowed President Carter's first choice for the FBI's director, Judge Frank Johnson Jr. Unfortunately, his health did not permit Johnson to take the job, thus depriving the government of his brilliantly striking abilities in that post. The profoundly reactionary Hoover had no partisan political background when he was plucked from the bureaucracy in 1924 to head the FBI, and it is worth noting that Carter and his Attorney General seem to have felt that they should appoint a Republican federal judge for this sensitive position. At least they did not see the appointment as a political plum.

Is it possible that the short term of Clarence Kelley will be looked back on, interim though it was, as the FBI's golden age? It is a fact that Kelley quietly dismantled large parts of the Hoover superstructure. The morale of the bureau's 8,400 agents may have sagged, and there was no glamorous tissue of legends in a heroic TV show to bolster it, but was that bad for the FBI and the country it is supposed to serve?

In his four years as director, Kelley's slogan was "quality over quantity." He may have fallen a bit short of that rhetorical promise but it is worth noting that the number of domestic security investigations have dropped from the early 1970s' incredible 20,000-plus to 642 in mid-1977. He got the FBI substantially out of the stolen car recovery business and the chasing of military deserters, exploits which used to pad Hoover's annual reports. And the numbers of white-collar crime convictions on which the FBI worked doubled during his tenure, aided by the recruitment of accountants as against target shooters.

The FBI still needs laws to chart its course and to restrain the natural tendencies of any police force to make light of individual rights. But it also requires a steady and scrupulous head to run its operations. Perhaps Judge Webster can give it the kind of restraint and control which are the essential elements of leadership for a national police force.

The Ethics of Ambition

Official barricades have been thrown up across yet another possible avenue toward justice for the Wilmington 10. On January 23, Gov. James Hunt Jr. of North Carolina refused clemency to the nine civil rights activists who are still in jail (a tenth, the only white in the group, is on parole) for allegedly having burned down a store and shot at police and firemen in Wilmington, N.C. in 1971. Though the case was tainted by evidence of repeated prosecutorial misconduct—three central prosecution witnesses have recanted their testimony, saying they were bribed and/or threatened—and though the worldwide outcry against this classic case of state repression of black dissidents has reached such a level that even the State Department has admitted its embarrassment, Governor Hunt did not see fit to be compassionate. Instead, he reduced the sentences of the nine so that they would be eligible for parole somewhat sooner. Rev. Ben Chavis, the leader of the group, now may be released in early 1980.

Hunt's decision was judicially indefensible and politically despicable. A politician with national ambitions, he did his best to find middle ground between the numerous groups demanding justice for the 10 (one of those groups is Amnesty International, which deems the 10 the most important "prisoners of conscience" in the United States), and the majority of North Carolina voters whom the Governor apparently believes would like the 10 to rot in jail forever. All indications are that Hunt, having successfully championed an amendment to the state constitution removing the law against governors succeeding themselves, will stand for re-election in 1980.

By making parole seem a possibility in the not-too-distant future, Hunt obviously hopes to deflate international protest. But even he stressed in his statement that being eligible for parole is by no means the same as being granted it. Never in the history of this case has there been any suggestion that North Carolina official-

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dom is disposed to treat the 10 fairly—a precedent almost certain to be followed by the parole board. As one spokesman for the United Church of Christ (the organization leading the protest drive in the United States) said: "That board will never set Ben Chavis free."

So the question becomes: what to do next? Legal maneuvering has almost run its course. The UCC is pressing for a writ of *habeas corpus* in federal court, an effort that has already been stalled for more than a year by an apparently unsympathetic magistrate. A motion for retrial, denied last year, was recently denied again on appeal. And a federal grand jury, established by order of Atty. Gen. Griffin Bell, investigated the charge that the local prosecutor violated the 10's civil rights during the original trial, but returned no indictments.

Such legal steps as remain possible should certainly be taken, but what progress has been made on this case in the past has been won by mobilizing protest, and that would seem almost the only tactic left. The Rev. Charles Cobb, head of the UCC's Commission for Racial Justice, reacted to Governor Hunt's decision by saying it would bring blacks into the streets in anger. Such demonstrations, along with stepped-up publicity and lobbying on the national and international levels, might well move the Governor to have second thoughts about the political wisdom of his calculated straddle.

Pax Americana for the Middle East?

A. J. KFOURI & PAUL SABA

Many times in the past six months, American officials have defined U.S. policy in the Middle East as aiming at a "comprehensive settlement." The broad outlines of such a settlement have also emerged. It would include peace treaties between Israel and the neighboring Arab states; the return of some occupied Arab land; continuing arrangements for the military security and superiority of Israel in the region, and open economic and social borders. It would also allow for some kind of Palestinian "entity" or "homeland" outside the authority of the PLO and preferably subject to Jordanian rule.

There is no reason to doubt the sincerity of the U.S. desire for a settlement of this kind, since it would help to consolidate American influence in the region. Not only would it exclude the Soviet Union from an area where it has been influential for more than twenty years but it would also open the Middle East as a whole to U.S. capital, and secure U.S. oil supplies by strengthening the conservative oil states at the expense of Arab nationalist and leftist forces.

In the long run the success of this strategy depends on weakening these forces to the point where they cannot threaten the Arab regimes that are willing to accept an American-sponsored peace. In the short run, however, it also depends on maintaining and coordinating the movement toward a general conference between Israel and all the Arab countries, including Syria, that have committed themselves to a comprehensive, negotiated settlement.

In this context the unilateral initiative of Sadat's to visit Israel at the end of November has posed certain risks for U.S. strategy. Although Sadat's action satisfied Israel's demand for recognition of its existence without preconditions, it also undermined an agreement in principle among Egypt, Syria, Jordan and Lebanon on a comprehensive settlement within the framework of a Geneva conference. In the past year it was primarily the PLO that resisted this principle, because it was not invited to Geneva on an equal basis with the other parties as the sole representative of Palestinian national rights. Yet throughout 1977 the PLO was also under pressure to accept an alternative Palestinian presence at Geneva, and in time its opposition might have been broken.

Sadat took his initiative partly because he had become impatient with the slow progress being made toward this Geneva conference. However, despite the risks to U.S. policy created by his move, in fact these risks are largely offset by potential benefits. Sadat has now established a formal way to conclude a bilateral peace with Israel if a comprehensive settlement eludes the United States for the time being. More important, the Cairo talks may prove to be a quicker and more direct route than Geneva to a general settlement that would exclude the PLO—provided that these talks can be kept going, the Egyptian-Saudi alliance preserved and, through it, Saudi economic pressure brought to bear on a still hesitant but tempted Syria. That is why the Carter administration, following the recent Tripoli conference of "rejection" states, was quick to declare that the PLO had disqualified itself as a party to a settlement, while Syria was still welcome to participate, even though Syria and the PLO had denounced the Sadat initiative in a joint communiqué.

Because Arab nationalist and leftist forces still have some margin for maneuver, it is possible that Sadat's unilateral action will not generate enough pressure to convince Syria that it must accept American and Israeli terms for peace. In that case the United States might find itself willing to endorse a separate Egyptian-Israeli settlement. Such a settlement would certainly strengthen the overall Israeli position in the region, but it would still fall short of satisfying the wider and more ambitious U.S. interest, in pursuit of which the goal of U.S. policy must remain what it has been—an overall settlement under its auspices between Israel and the neighboring Arab states, perhaps with a token Palestinian presence, but excluding the PLO.

The success of this policy depends above all on continuing to weaken the Palestinian resistance. Whatever the immediate outcome of the Cairo and Jerusalem talks

A. J. Kfouri, from Beirut, Lebanon, is a visiting professor of computer science at the University of Massachusetts, Amherst. Paul Saba has just finished studies for a B.Litt. degree in Oriental Studies from Oxford, and will be teaching Middle Eastern history at a college in New England.

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between two sparring governments—and breakdowns and resumptions are apt to mark their course—it is likely that in the coming months attacks will be stepped up on the Palestinians and the broad front of their supporters and allies in their last stronghold of Lebanon. Here, more than two and a half years ago, right-wing Lebanese paramilitary parties precipitated a civil war which aimed at destroying the Lebanese-Palestinian alliance. Today these same parties, supported by the Israeli Army, and with the Syrian Army unable to intervene, are pursuing a little-publicized war of attrition in southern Lebanon, the purpose being to eliminate once and for all the leading forces of the Palestinian movement. The accomplishment of this task would open the way for the U.S. settlement plan, unless Left and nationalist forces can yet find a strategy to upset it. □

EUROCOMMUNISM & THE VOICE OF GOD

DR. KISSINGER'S NEW CLOTHES

MARCEL OPHULS

In the common rhetoric of contemporary politics, it sometimes seems as if the word "statesman" and the word "vision" were linked forevermore. But I've often wondered—is the bird's-eye view of world affairs naturally conducive to the formation of human birdbrains, or is it rather that the proprietors of birdbrains are congenitally inclined to take the bird's-eye view? Which came first, the eagle or the egg?

Many years ago, I had occasion to interview the late Konrad Adenauer for a monthly news show on French TV. It was but a few weeks before his death, and I believe I was the last foreign television reporter to talk to him. He had just returned from his yearly summer vacation on the shores of Lake Como. He was brown from the sun and looking fit. The trick, at the time, was to try to coax the old fox into some kind of damaging statement concerning the current crisis of his successor's government, since it was common knowledge that the former Chancellor detested the present one. So it was a matter of trying to bring the resentment to the surface, then pouncing into a series of meaningful close-ups, while firing off the follow-up questions. The old man knew the game, and received me with jovial courtesy and in a spirit of good fun, his ancient monkey face creased in a series of watchful smiles. Behind the camera lights in his office, three vigilant *Ministerialräte* in morning coats sat stiffly on a sofa, ready to intervene if the father of the Federal Republic shot off his mouth. He had positioned himself next to a large and expensive globe, which his arthritic fingers kept twirling negligently around its axis, while the camera team was setting up. Suddenly his hand stopped the revolutions of the sphere, and his lively blue eyes fixed themselves on me: "Young man," he beckoned imperiously, "come here!" A shriveled index finger pointed at a vast red space, traveling across the area, back and forth, from one end to the other. "See that? See that? That's Russia. All that space in red, that's Russia! And over here, you see that tiny spot in yellow? You know what that is? That's us! You want to know what I worry about at night? That's what I worry about!"

I remember thinking: no sense in queering the interview before it starts. So I nodded gravely, cleared my throat and asked about the weather in northern Italy. It was not that I thought the elder statesman had no reason to worry; it's just that I wished he wouldn't worry in quite those terms!

I feel much the same about the sleep-destroying preoccupations of Prof. Henry Kissinger, who has recently graduated from wiretapping and shuttle diplomacy to a more public, more visual form of communication. As a cinematic genre, I consider TV documentaries, at best, a stunted, bastardized, impoverished and artistically blighted mode of expression. But as a testing ground for the imaginative depth of former Secretaries of State, they might, inadvertently, provide the viewing public with some valuable insights. *NBC News*, by putting Professor Kissinger under contract as a documentary film maker, has given us a chilling *apercu* of the relationship between nearsightedness and great power.

It is anyone's guess how many lives in Latin America or Vietnam have been blighted or lost by the Professor's geopolitical generalizations. What has now become evident is that they make for rotten films. As a documentary producer, his willful ignorance of why a French factory worker or an Italian farmer votes Communist is the more distasteful when we recall the obvious relish, the profound and genuine empathy he radiated in his historical encounters with Russian and Chinese leaders. Was this empathy based solely on worship of those who wield great power; did Kissinger delight to find himself in their company, to feel a solidarity with those who defend the status quo from the top of ideological pyramids? These character traits, often suspected in the Secretary of State, but frequently mistaken for realism and greatly admired for their ostensible effectiveness and as manifestations of hard-nosed professionalism, are fully exposed and threadbare in the products of the documentary film maker. No sense of realism here, no professional efficiency; only sloppy research, frozen attitudes and poverty of the imagination. At twenty-four frames a second, the emperor has no clothes.

When asked by *TV Guide* why he had chosen the gardens of Versailles as the site for his major network lecture on Eurocommunism for the masses, Professor Kis-

Marcel Ophuls is the director of, among other films, the celebrated documentaries, The Sorrow and the Pity *and* The Memory of Justice.

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singer is reported to have shrugged smilingly and announced that "it probably has something to do with ego." But one wonders what part of the Professor's ego the choice touches. He has been known to identify with some great figures of the past, among them the Lone Ranger and Prince Metternich. But when reporting to Middle America about the destiny of the West European natives, with whom does Dr. Kissinger's ego identify? Perhaps with Louis XIV, whom Simone Weil long ago correctly identified as the founding father of modern nation-state totalitarianism? Or with the Iron Chancellor of Prussia, who in 1871 admired the rose gardens of Trianon, while the Versaillais were attempting to drown in blood the uprising of the Paris Commune? Or perhaps he sees in himself a resemblance to the founder of the Third Republic, the ubiquitous Monsieur Thiers, a fine, upstanding geopolitician if ever there was one, who did Bismarck's dirty work.

Come to think of it, in *Henry Kissinger—On the Record*, the dirty work is done mostly by a frozen-faced, uncomfortable-looking David Brinkley, playing Thiers to Kissinger's Bismarckian detachment. While to the former Secretary is left the privilege of dealing in half-truths, innuendo and hasty views from the terrace, outright corruption of history, where it appears essential to the overall message of warning, is assigned the unfortunate *compère*.

This is accomplished mostly by what has become known in the trade, ever since the late John Grierson coined the phrase, as "Voice of God" commentary. Thus, on the sound track, Brinkley's voice firmly proclaims, on the subject of the dispute between the Socialists and the Communists in France concerning the extent of planned nationalizations: "The Communists wanted it all, down to the corner store selling pots and pans. Now, in the weeks before the March election, they still argue." Imagine, all those creepy foreign intellectuals, still arguing about pots and pans. Once even pots and pans get nationalized on the flea market, where is the American tourist to go shopping on his European vacation? He may as well stay home!

Repeatedly, on the old principle so frankly stated by a celebrated practitioner of official propaganda, barefaced lies are emphasized and re-emphasized. (Well, perhaps "barefaced" isn't the word, since it's done mostly on the sound track, in voice-over narration.) For instance, it is said again and again that "when a Communist Party has won power, it has never given it up." But this is pure effrontery, a bold and shameless attempt to rely on the American public's ignorance of European politics in this century. In 1938, French Prime Minister Edouard Daladier threw the French Communists out of the Popular Front government, and while the downfall of the Third Republic came two years later, it wasn't due to a *coup d'état* by violent and disgruntled Communist leaders but to the efficiency of Hitler's army, and the complicity of some influential Frenchmen who thought, "Rather Hitler than Léon Blum and the Communists!" And in the first provisional French Government after World War II the Communists shared power with General de Gaulle, much to the latter's chagrin. They did help disarm French partisan groups sympathetic to their cause, and Maurice Thorez broke quite a few strikes. Yet a little later, when they were dismissed from the inner circle of power, they did not rise up in arms; indeed, as far as I know they never attempted to do so. That doesn't mean, of course, that they wouldn't have done it if they could, but the fact is that they couldn't and didn't.

These are two incontrovertible historical examples of Communists being thrown out of power after they had agreed to share it within the framework of parliamentary institutions. That they would rather have avoided such defeats stands to reason; that, given the chances, they might well have adopted undemocratic ways of staying in power is probably a fair assumption. But facts are facts, even in TV documentaries. And the questionable authority of booming "Voice of God" narrative should not be used as a technique to flout them.

In addition to the long promenade in the park of Versailles, where a chilled Professor answers stiffly the well-rehearsed questions of his straight man, Brinkley, there is a long press conference of sorts in Chicago, where the former Secretary crams into NBC's hasty pudding of *cinéma vérité*, all sorts of one-liners about Sadat, SALT, Africa and world peace. There, visibly in an atmosphere warmer than in the Sun King's gardens, he is even allowed to be a bit analytical about the causes of social unrest and civil strife in Western Europe. It's important, after all, to remind the audience that NBC's newest celebrity commentator is nobody's fool.

In contrast to such thirty-second stretches of relative wisdom, European politicians like Willy Brandt, Michel Rocard, Andreotti and Carrillo are allowed only brief cameo appearances. From the ten seconds he is given to "express his views" on the screen, it would be hard to guess that Michel Rocard is perhaps the most brilliant (and most consistently anti-Communist) among present-day French opposition leaders, perhaps the most remarkable French politician on the Left since Pierre Mendès-France. As for poor Santiago Carrillo, leader of Spain's Communist Party, he is introduced by the offstage voice of Brinkley as communism's "most poisonous" critic of Moscow. Why not the "most outspoken," or "the most effective" or "the most stubborn" critic? Note the subtle wiles sheer propaganda can resort to: the adjective "poisonous" is used here in the context of a Eurocommunist's criticism of Moscow. No matter! Against the use of that adjective by a booming Voice of God, no aging European intellectual, wearing glasses and smiling diffidently into the camera in close-ups, can possibly compete. Not even when he points out that he and his comrades fought long and hard against fascism in a civil war most American TV viewers no longer even know took place. And let no one believe for one minute that Brinkley, Kissinger and NBC aren't aware of this! Those blighted Eurocommunists, no matter what their totalitarian intentions, are really very naive fellows, as far as the use of the American mass media is concerned. If I were ever asked to participate in such a TV documentary, you can bet I would add a handwrit-

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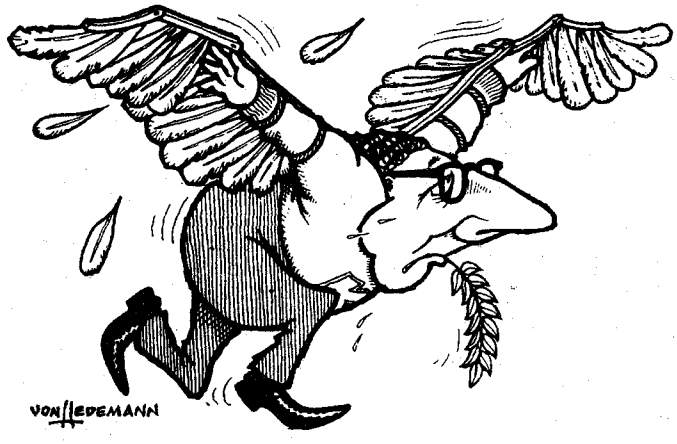
ten clause to my written release, stipulating that no "Voice of God" commentary was to precede or follow any excerpt from my interview and/or my appearance on the screen.

All film making is a form of manipulation through choice, by the prior selection of events and of people, and by editing. And that's nothing to be ashamed of! But notice how much easier manipulation becomes by the extended and repeated use of film narration. I believe that is why narrated documentaries—"illustrated editorials" I call them—have always been the favorite audiovisual means of official expression in wartime and under authoritarian regimes.

"The Moscow *style* is out of date," Carrillo is quoted by Brinkley as having written in his book. "The style," mind you, not the substance! Thus, in less than a sentence, the debate between Eurocommunist leaders and the Kremlin apparatchiks is demoted to the level of a dispute between Madison Avenue executives on the best way to sell their product. While this metaphor might have some merit if stated clearly and honestly, the suggested message here, without the slightest trace of factual evidence, about the Eurocommunists' congenital unreliability and the basic hypocrisy of their personal characters, appears merely as innuendo.

Again, when Brinkley points out that Carrillo has voiced "opinions the Russians disapproved of, *or said they did*," this is made to precede Carrillo pointing to the negative criticism his book has received in Soviet publications. Thus it discredits in advance the very point Carrillo is trying to make. Whereupon Kissinger, on camera, forcefully argues: "You all know that it would be very easy to have here innumerable quotations from



East European Communists of 1945 and 1946, Gomulka, Gehra, Ulbricht, who said word for word the same thing that West European Communists are saying today."

Well, perhaps not really "word for word," but let it pass, let it pass! But nowhere in the NBC concoction is it ever pointed out that political choices in the recent history of Eastern Europe might have been influenced more by the presence of Soviet tanks than by the declarations of faith of various Communist politicians. And Kissinger in Versailles further declares: "So I interpret what the Communists are doing in France as a demonstration of their desire to get into power with an essentially unchanged program, and I think the menace that they represent has, over a longer time, if anything, increased as a result of these decisions. . . ."

It's Catch 22 with a vengeance; if the French Communists repudiate alliances with other parties on the Left, they're revealed as the same old incorrigible fanatics, who will never change their stripes; but if they maintain and adhere to popular-front electoral positions, they're horrible little sneaks trying to weasel their way to power. All of this, in the final analysis, might well be true, or essentially true, or mostly true. But final analysis is one thing, and gross, insulting propaganda is another. And by "insulting," I don't mean that NBC and the Professor are insulting the French Communists; I think they are insulting the American public.

As for Berlinguer and the Italian Communists, they get short shrift from the Sun King Professor! Before leaving to him the final word, his sound-track hitman is allowed the following considerations on the personal psychology of Enrico Berlinguer: "Street violence, kidnappings, political shootings and bombings, Berlinguer hates all this, fears it will turn the public against his party, and he talks feverishly against it. He doesn't want the public to think that is how Communists behave."

But how does "Voice of God" Brinkley know that that is why Berlinguer hates street violence and talks "feverishly" against it? I don't know, Kissinger doesn't know. Maybe Balzac or Tolstoy would know, but they dealt with fictional characters. Perhaps Berlinguer's mistress would know, or his psychoanalyst, if his allegedly bourgeois life style has provided him with such accouterments, and the party tolerates them. Why not interview them? Then Kissinger, the dirty work taken care of, is allowed to conclude: "The Italian Communist Party has not broken with the Soviet Union on a single foreign policy question which involves a conflict with the United States."

Alas, it's quite true, as Professor Kissinger knows only too well, that the Italian Communists' unequivocal condemnation of Soviet intervention in Prague did not bring them into conflict with the policy of the United States. Nor has their repeated approval of, and open solidarity with, Soviet dissidents provided occasions for such dispute —except perhaps when Secretary Kissinger and President Ford stubbornly refused to receive Solzhenitsyn in the White House.

The longer one pores over the NBC transcript of Dr. Kissinger's audiovisual concoction, the more one is led to the conclusion that in this instance a further escalation of checkbook journalism (celebrity journalism by contract might be a more revealing description) has been used for ninety minutes of prime time to justify, a posteriori, the former Secretary of State's lack of political discrimination in Chile, and his steadfast refusal to distinguish among forms of opposition to the stated goals of American policy abroad.

Some of my best friends are Eurocommunists. I admit it! And while it's perfectly legitimate to ask them, as I've done many times, what they did with their consciences in August 1968, when Russian tanks rolled into

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Prague; or, if they are old enough, how they reacted to the Hitler-Stalin Pact of 1939; or just when it was that they found out about the existence of Russian concentration camps, still it's too simple to equate fascism and communism in Europe under the catchall adjective "totalitarian." This would mean, in effect, that we are willing to view the history of these two ideologies as equally nefarious, not only in their effects but also in their intentions. I never minded having a Communist for a friend, or working on a film in Paris with a Communist, or entertaining an attractive Communist of the opposite sex. But I would never have accepted any such relationship with an avowed Fascist. Millions of Europeans, I think, are like me. Kissinger and his accomplices gave no hint as to why that is so. The reason is that many of those who have lived through some of the turmoils of recent European history can never accept the glib equations and the gross distortions of the Kissingers and the Franz-Josef Strausses of this world. We think we know better! As documentary film makers, some of us might even know how to talk to a worker coming out of the Renault factory, and what questions we should ask him.

Imagine Professor Kissinger, on the morning of the shoot, surrounded by a large staff of befuddled sycophants, making his regal way from the American Embassy, Place de la Concorde, where he and his entourage have spent the night, up the Champs Elysées, the motorcade majestically circling the Arc de Triomphe, then speeding on over the Seine and past working-class suburbs to their chosen destination, King Louis's grand palace at Versailles. All along the itinerary, they must have been escorted by French motorcycle cops and surrounded by secret servicemen. Just picture, if you will, a staff of media veterans getting ready to report on the sorry state of European politics, while gazing absentmindedly from the rear seat of official cars at city street scenes flashing by—their journalistic skills, such as they are, reduced to amateur status by the trappings of pomp and circumstance: morons in limousines! □

OBSCENITY AND THE LAW

THE WAY THE WIND BLOWS

PETER MICHELSON

Boulder, Colo., where winds frequently whip out of the Rockies at speeds up to 100 miles per hour, is a town where one can also get a feel for which way the nation's cultural winds blow. It may not be the heart of the heart of the country, but it does seem to provide an index of the fluctuations of liberalism and conservatism in American life. Its most recent instance is the city's prosecution of a pornography case that, in terms of establishing legal criteria for obscenity, seems to have national implications.

Around the corner from Boulder High School a fast-food shop went out of business last summer and an adult bookstore called The News Stand moved in; it features the usual pornographic books, magazines and arcade of films. The move was geographically inept. In September, just after school opened, a group of parents complained to the District Attorney's office of the store's proximity to the high school. Meanwhile, Boulder's other and older smut shop, ironically located across the street from the District Attorney's office, elicited no complaints.

For a variety of reasons—chiefly, perhaps, their lack of success in court, due to broad and ambiguous state statutes—district attorneys across the country are unenthusiastic about pornography litigation. So as public attention focused on the Boulder matter, Dist. Atty. Alex Hunter "staked out" The News Stand, and was able to report that no "undesirable characters" had been observed hanging around, and that, furthermore, when a 17-year-old "agent" was sent to make a purchase, the store had refused, as per its posted policy on minors, to admit or serve him. Hunter also announced that he was waiting for a Denver case to determine the constitutionality of the state's new obscenity statute. He obviously hoped by these means to settle the dust, but the Citizens Action Committee continued its agitation until, when finally the school board requested some action, Hunter's hand was forced.

He appointed Jack Kerner, like himself young and liberal, to handle the case, and they filed a civil rather than criminal action against The News Stand. Specifically, they charged that five fairly typical hard-core magazines violated the Colorado statute. The statute is a tortuous product of the Supreme Court's landmark *Miller* v. *California* decision of 1973. Justice Burger's majority opinion in *Miller* revealed the distasteful morality play that the obscenity business had become for the Supreme Court. Citing Justice Brennan, he notes, "that the examination of contested materials 'is hardly a source of edification to members of this Court.'" And with the dissenting voices of Justices Black and Douglas obviously haunting him, he wants once and for all to entomb the perturbed spirit of the "absolutist" view of First Amendment rights: "In this belief, however," he says, "Mr. Justice Douglas now stands alone." Then he goes on to say with relief that, "today, for the first time since *Roth* was decided in 1957, a majority of this Court has agreed on concrete guidelines to isolate 'hard-core' pornography from expression protected by the First Amendment. Now we may abandon . . . casual practice . . . and attempt to

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provide positive guidance to the federal and state courts alike."

But if the Justices were relieved, state legislatures still had a job of work to do, translating the guidelines of the *Miller* opinion into workable law. With consistent help from Colorado district attorneys—an El Paso County D.A. testified plaintively, "If the people of Colorado want obscenity laws enforced, give us the tools"—the Colorado legislature, after three years of hearings and false starts, finally got its act together this past July. It follows the Burger Court majority in reaffirming, though not without some contradiction, "that obscene material is not protected by the First Amendment," in holding that "contemporary community standards" of prurience are "statewide" rather than "national," in attempting to specify what representations of sex acts are "patently offensive" and thus liable to court action, and in releasing prosecutors from the obligation to prove that obscene material is "*utterly* without redeeming social value." (The Colorado statute's phrasing is, "Taken as a whole, lacks serious literary, artistic, political, or scientific value.")

From the "absolutist" standpoint it is as bad a statute as one might expect. From the middle-of-the-road perspective of a Justice Brennan one can say that it does make an effort to accommodate obscenity of a "serious" social sort. However, just as the Burger opinion blithely passes over clinkers if not outright contradictions (Brennan, for example, had maintained "that no formulation of this Court, the Congress, or the States can adequately distinguish obscene material unprotected by the First Amendment from protected expression"), so the Colorado statute harbors "flaws" (e.g., it makes lending or receiving obscene materials a culpable offense, but the written word is altogether exempted from its jurisdiction) that may well send the whole thing back to committee again. Be that as it may, this was the statute on which The News Stand was prosecuted, and successfully prosecuted, in Boulder. It was understood from the outset that the loser would appeal to the Colorado Supreme Court. In fact Arthur Schwartz, defense attorney not only for The News Stand but in a gaggle of obscenity cases across the country, forced the constitutional issue at the local level by stipulating that his client's material was indeed obscene according to the statute, but that the statute was unconstitutionally broad and vague in its injunctions. He raised the ante, he said, because he had "a feeling" the Boulder court would rule against him, so he decided to save his client (and Boulder County) considerable expense by going directly to an appeal.

Several cases throughout Colorado, including Denver, are awaiting the outcome of this appeal. And prosecutor Kerner thinks that, because the Colorado law not only was modeled on the California one affirmed in *Miller* but is even more specific in designating liable obscenity, cases in other states are also awaiting the Colorado judgment; moreover, that the Colorado statute will serve as a model for other state legislatures. Though he himself gives a low priority to prosecuting obscenity, he thinks the statute workable from a D.A.'s point of view and fair to porn dealers in that it clearly informs them what the law allows. That, if upheld, it may well put them out of business is another matter. Kerner thinks that the prevailing winds of obscenity litigation are what they seem—conservative. So he echoes the sentiments of his El Paso County colleague: if the people of Colorado want obscenity laws enforced, their D.A.s now have a useful tool. But Schwartz challenges that view right down the line.

For a Denver attorney he covers a lot of ground, being involved with obscenity cases in Ogden, Seattle, Kansas City, New York, North Carolina and Florida. So he draws on trial experience from a variety of contemporary communities. While he acknowledges a conservative shift from the Warren to the Burger Court, he sees that movement in a more subtle sociological context than D.A.s can by and large afford to contemplate. The district attorneys are in a political bind. Though, as did Hunter in Boulder, they hear vociferously from censorship proponents, they know that many of their constituents support a laissez-faire policy toward obscenity, even when they do not bother to say so. Political constituencies vary, but Schwartz thinks the current estimate of rising conservatism is overrated. He finds that the "average juror is unwilling to follow the Court" in obscenity adjudication and "will go to any length to find redeeming value" in pornographic material. He cites not only his trial experience to support this view but electoral politics as well. He notes, for instance, that in Ogden a group of City Council members who supported aggressive prosecution of obscenity were defeated in a recent election. And in Seattle a referendum, Initiative 335, even though worded so ambiguously as to suggest falsely that it applied only to "kiddie porn," passed by the narrow margin of 460,000 to 400,000 votes. Moreover, he says, even Billy Graham came out in support of an anti-Initiative group called Life, on the ground that the inclination toward censorship should be curbed.

So Schwartz doubts that the people of Colorado or anywhere else really want obscenity laws enforced with the fervor D.A.s may suppose. Not, he adds, that the "average juror" has a passionate commitment to First Amendment rights but he does have common sense. Primarily, Schwartz thinks, jurors are quite aware that there are more important things on which to spend ever thinning tax resources (many D.A.s, including Kerner, hold that opinion).

Beyond that, he detects a disinclination to have the law butt in where it's not needed; after all, he observes, jurors know that "nobody *has* to buy porn, and people's personal tastes are their own." It follows, then, that Schwartz prefers to defend his clients before a jury. Judges, in a bind similar to that of D.A.s, are often loath to be identified publicly with any tolerance for obscenity. And, the law being their profession, they are perhaps more inclined than the average citizen to give its rationale and history precedence over common sense. If Justice Burger equates obscenity with heroin and says, "civilized people do not allow unregulated access" to either, then Judge X of Yoknapatawpha County may very well agree, even though he has not personally ever thought himself in danger of addiction to either drug. Schwartz recog-

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nizes that there are a few "courageous judges" who will throw bad laws back in the teeth of state legislators. He cites Judge Manos of the U.S. District Court in Ohio as a case in point. But he has a historical hypothesis that he thinks explains the current situation. The liberal Warren Court, he thinks, assumed a role of leadership and ventured into "progressive" constitutional interpretations that the times required. The conservative Burger Court, on the other hand, wants to hold the line and is therefore more restrictive and less responsive to social dynamics. The consequence, so far as obscenity litigation is concerned, is that the people are now leading the Court rather than the other way around.

So far as *Miller* goes, Schwartz sees a couple of ironies. Even though it encourages exercise of broad discretionary powers by local D.A.s and courts, he claims to be having more success than before in winning cases at the trial level. For *Miller* in effect invalidated most state obscenity statutes because of their ambiguity. Enterprising distributors of pornography quickly noticed what was happening and began to disseminate their products both more widely and more discreetly. The "boarding house reach" of business is quicker by far than the arm of law. That, of course, is why the Boulder News Stand case is important. It is not simply a test of the Colorado statute but also an index of whether *Miller*'s legislative influence can keep pace not only with the "average juror" and the porn industry but with itself as well. That is, it remains to be seen nationally whether the *Miller* guidelines do in fact sufficiently instruct state legislators so that they can provide D.A.s with a genuinely workable tool, one that will in practice stand up to constitutional requirements.

Schwartz, who credits the Colorado Supreme Court with being "pretty good" on First Amendment matters, thinks there is "no question" but that it will reverse the Boulder court's decision. Unlike Kerner, he thinks the Colorado statute broader and more vague than the California law on which it was modeled. Further, in an obvious effort not to encroach in any way on literature, it exempts "the printed or written word." Schwartz construes that to violate equal protection rights, but Boulder Judge Richard Dana's decision maintains that the printed word is not exempt if it is published together with pictures. In fact, the Colorado statute is more precise than its California counterpart in desiginating what sexual conduct it is impermissible to represent, but it does unequivocally exempt the printed or written word, as the California statute does not. Judge Dana's logic is clear enough, that it must be possible to censor an illegal picture in company with a legal text, but his ruling simultaneously confirms the law in regard to pictures while in effect it violates the law in regard to words. The statute itself does not clarify the legal status of a publication so divided. Nor is this confusion resolved by the statute's oft-repeated phrase regarding material which, "taken as a whole, lacks serious literary, artistic, political, or scientific value." It puts the matter right back into the interpretive bog from which the statute was trying to remove it, this time weighing the redeemable word against the irredeemable picture. And on such particulars does the law sometimes turn. So this may be the clinker that justifies Schwartz's optimism.

Schwartz is prepared to take The News Stand case to the U.S. Supreme Court if the Colorado court fails him. But if anything the current U.S. Court, without Douglas, is more conservative than it was in 1973. As one reads through the *Miller* opinion and sees its profound influence on the Colorado statute one has unmistakably to feel that obscenity laws are becoming, if not better, at least sharper. And one marvels at the years judges and legislators have spent plugging up loopholes only to have new ones open behind them. Clearly these servants of the people are determinted to serve and protect. But what if, as Schwartz and his colleagues argue and many a D.A. will confirm in private, the people less and less feel a need for protection against obscenity? What if the people think obscenity an insufficiently serious problem to justify those years at public expense? At the moment one cannot say with confidence that in fact the people do so think, but there is evidence to suggest evolution in that direction. In *Miller* Justice Burger observes that, "This may not be an easy road, free from difficulty. But no amount of 'fatigue' should lead us to adopt a convenient 'institutional' rationale . . . because it will lighten our burdens." The "institution" to which he refers with such uneasiness is the Constitution. And his notion of a "civilized people's" burden is tiresome whichever way you see it. If The News Stand decision is reversed, does the Colorado legislature start over, or proceed one patch at a time? If it is upheld the consequences seem even more thankless. Five nondescript smut magazines that were probably out of print the moment they were published will be found illegal in the state of Colorado. To extend the case any further than that will take more litigation—more time, more money. And The News Stand itself? A quiet little place that doesn't admit

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minors and has no hangers-on at all, let alone evil ones.

Obscenity has become a South Sea Bubble, generating itself on Manichean phantasmagoria of good and evil locked in battle. This is not to say that the voices calling for protection from smut *should* be ignored; they probably do represent that slim majority suggested by the Seattle referendum results. But it is to suggest that the legislative, judicial and police energy spent on obscenity is an "expense of spirit in a waste of shame." The very efforts of the Colorado legislature to exempt the printed word from censorship are an ironic example of obcenity winds blowing at cross-purposes. It is a piece of "progressive" legislation without precedent in either *Miller* or *Roth*. And it in fact refutes the philosophy that inspired it. For its cultural implication is that the word, even the most blatantly obscene word, *does* have First Amendment protection. Moreover the statute exempts "persons employed by a university, college, or library." Why are such persons, whether janitors or professors, more privileged or less corruptible than anybody else?

Apart from the legal considerations that account for such wording, the implication of these exemptions is a left-handed and grudging acknowledgment that "Congress shall make no law . . . abridging freedom of speech, or of the press." In short, we are constantly reminded that all laws abridging these freedoms, however persuasively their need is argued (and it is not far from the point that legislatures are not obliged to demonstrate a *need*), are always second best. Why else is it that, according to the statute, D.A.s "may institute" action against obscenity rather than that they *must*? Even in this most ingenious devising of obscenity law our legislators have left us a way out. Each time around obscenity legislation proves to be a house divided against itself. Whichever way the wind blows from the Colorado or the United States Supreme Court, the time cannot be many years off when the sheer windiness of the whole enterprise will collapse the house inward upon itself. □

THE FBI SHREDS ITS FILES

CATCH IN THE INFORMATION ACT

JOHN ROSENBERG

Amid the seemingly endless disclosures brought about under the Freedom of Information Act and the Privacy Act there is a little-noticed development that threatens to make a mockery of that well-intentioned legislation. With the cooperation, if not complicity, of the National Archives, the Federal Bureau of Investigation and other government agencies have embarked upon a "government-wide record destruction program" that has in all likelihood already destroyed most of the inactive investigative files located in FBI field offices—and unless something is done soon, numerous files in FBI Headquarters will meet the same fate.

One alarm has been sounded. Writing in this journal last October, Athan Theoharis cited the March 26, 1976 agreement between the National Archives and the Justice Department that authorized the destruction of "closed files of the Federal Bureau of Investigation containing investigative reports, inter- and intro-office communications, [and] related evidence. . . ." Fearing that the meager staff of ten in the Records Disposition Division of the National Archives responsible for the FBI was insufficient to monitor the destruction of FBI files, Theoharis warned that "existing law and regulations do not appear adequate to guarantee retention of public papers, thus assuring that the Freedom of Information Act will give access to the full record of federal agency practices." (See "Double-Entry Intelligence Files," by Athan Theoharis, *The Nation*, October 22, 1977.)

My recent experience suggests that this warning was well advised. For the past year I have been working on a biography of Clifford Durr. Beginning in the early 1940s, Durr became a prominent critic of J. Edgar Hoover, loyalty investigations and the entire apparatus of the domestic cold war. An Alabama lawyer and brother-in-law of Hugo Black, he went to Washington with the first wave of New Dealers in 1933, serving in the Reconstruction Finance Corporation, then as General Counsel and Director of the Defense Plant Corporation, and finally as Federal Communications Commissioner from 1941 to 1948, when he was the leading figure in creating and expanding the role of public radio and television. In 1948 he refused reappointment to the FCC because of his opposition to Truman's loyalty program and spent the next two years practicing law in Washington, serving as president of the National Lawyers Guild and spending most of his time representing people who had lost their jobs because of the loyalty program. Unable to make a living at that, and after a year in Denver as counsel to the National Farmers Union, he returned to Alabama in 1951 and soon became one of the few white Southern lawyers to identify himself with the civil rights movement. (It was Durr, incidentally, who secured Rosa Parks's release from the Montgomery jail after she was arrested for refusing to move to the back of the bus.)

Last February Durr's widow and I began to request "all the material in FBI files" concerning the two of them, and 646 heavily censored pages were finally turned over to me on October 17, 1977 (66 additional pages were released following my appeal). Only then did I learn that the FBI treated my application—and pre-

John Rosenberg is writing a biography of Clifford Durr on a grant from the Rabinowitz Foundation.

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sumably all similar ones—as a request limited to information in the FBI Headquarters files in Washington and that it was necessary to write separate letters to each field office that might have relevant material. I was also told at this time that the field offices were rapidly destroying their old files.

I wrote to the Mobile, Ala. field office on October 19, 1977. My letter was promptly acknowledged on October 26 by the SAC (Special Agent in Charge), who informed me that his staff was "currently in the process of searching our files so as to ascertain what information is pertinent to your request. Upon completion of this project, any information deemed to be within the scope of your request will be furnished to you."

On November 8 he wrote again, sending 6 pages of material. He added that his search had turned up indications of two extensive files on the Durrs, but they "no longer exist as they were previously destroyed in conformity with a Government-wide record destruction program."

Intrigued, I immediately wrote back asking when those files had been destroyed and how the 6 pages had managed to avoid a similar fate. On November 23 the SAC sent a reply that was as disturbing in its substance as in its syntax:

> During late October, 1977, at a time contemporaneous to our Mobile Office receipt of your Freedom of Information Act (FOIA) request, a directive was issued from our FBI Headquarters at Washington which made the field office file destruction program immediately mandatory. Attendant to the directive were specific instructions as to the assignment of available manpower and for a vigorous pursuit of the file destruction program consistent with the guidelines previously established.
>
> In compliance with this directive and as a result of circumstances which are factually and completely unrelated to your FOIA request, the two files I referred to in my previous correspondence to you were destroyed. Our records here at Mobile reflect that these two files, along with a multitude of other similar investigative-type materials, were destroyed on November 3, 1977. Again, let me emphasize there is absolutely no relation to the destruction of the two files and your FOIA request.

The files, in short, were not only destroyed nine months after my initial request to the FBI for "all the material in [its] files," but two weeks after the receipt of my request in the Mobile office. Even if one accepts the assurance that the destruction was unrelated to my request, the SAC's letter is alarming, since it reveals a mandatory destruction program of all old files, with apparently no—and obviously inadequate—supervision or review. The existence of this program was confirmed when I complained to the office of the Deputy Attorney General. Quinlan J. Shea Jr., Director of the Office of Privacy and Information Appeals, replied to me on December 9 that "the occurrence you described is extremely unfortunate. The destruction was the result of the concurrent existence of two distinct administrative programs —FOIPA [Freedom of Information Privacy Appeals] and destruction—with, it would appear, insufficient coordination between those actually administering them. I am personally satisfied," he added, "that only administrative error was involved, as opposed to any wrongful intent to deny you access to the requested records."

One should be thankful, I suppose, that the intent was not wrongful, but this general program of destruction is seriously disturbing, quite aside from any implication of evil motives or administrative incompetence. According to Ronald Ostrow of the *Los Angeles Times*, who is investigating the record destruction program, the bureau's response to this concern is that all "substantive" material would have been forwarded to FBI Headquarters anyway, but that argument is not persuasive. An investigative agency's criteria for what is substantive simply are not the same as a scholar's. For example, the 6 pages that escaped destruction in Mobile (the SAC explained that they were "administrative-type files" and not "investigative-type files," and hence not included in the destruction program), were significant and they were not included in the material I received from Headquarters, even though they involved communications between Headquarters and Mobile over whether to release information to a Red-hunting Alabama Attorney General in 1961. (Hoover chose not to.) In addition, the Washington D.C. field office (WFO) subsequently released 91 pages, and virtually none of them were duplicated in the Headquarters material. (Earlier the Washington field office had estimated that it had between 250 and 500 pages that could be released, and it is likely that they withheld everything they had forwarded to Headquarters, as I requested. Of course, there is no way of knowing whether any of these 91 pages is duplicated in material FBI Headquarters refused to release to me, and there is plenty of that. One is reminded here—and elsewhere—of an observation Henry Adams made in *The Education*: "Material furnished by a government seldom satisfies critics or historians, for it lies always under suspicion.")

Although the FBI presumably does not regard anything in these 91 pages as substantial, much of it is in fact important, revealing and useful. To pick one instance, in 1964 the Durrs traveled to Washington for a testimonial affair in honor of their good friend Aubrey Williams, who as head of the National Youth Administration in the New Deal had, among other things, given Lyndon Johnson his first political job. The affair and Clifford Durr's speech were reported in *The Washington Post*; FBI Headquarters notified Mobile, which in turn requested the Washington field office to send "any information furnished to WFO by informants pertaining to the activities of DURR and Mrs. VIRGINIA DURR while they were in Washington." The Washington field office duly sent a copy of the *Post* article but had to report that "No information was received from informants in this office relative to the visit of the DURRS to Washington."

Now there is nothing "substantive" here, and there is no mention of this episode in the papers I have from FBI Headquarters, and yet there are those who would regard it as a matter of some significance that in 1964 the bureau took note of one old New Dealer honoring another; that the Mobile field office was concerned

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enough about the Durrs to want their movements monitored; that sympathetic association with Aubrey Williams was cause for official concern (and the reverse was no doubt true; Williams's file must note that CLIFFORD and VIRGINIA DURR attended his testimonial); and that WFO had a network of informants to report on such matters.

As matters stand, however, the question of whether all the important information in the field offices had been forwarded to FBI Headquarters before destruction may be academic, for the "Government-wide record destruction program" is about to spread to the Headquarters files themselves. Officials in the FOIPA branch at the FBI claim, Ostrow reports, that no "historically significant" material will be destroyed, but so far they have said neither who will attempt to formulate the crucial criteria nor who will apply them. It is not even clear whether they mean that only the record of famous cases or individuals will be preserved, or that they intend to read each file, saving parts and destroying parts—a seemingly impossible task. In either case, the criteria should be established and approved before destruction begins.

Using the Durr files as an example, and assuming for the moment that they would not have been totally destroyed as historically insignificant, one may wonder how an intrepid team of FBI document evaluators would regard such evidence as the following that is included in them:

¶ Indications that Durr was hounded because of his criticism of the bureau. In December of 1947, after a particularly bitter public dispute with J. Edgar Hoover over loyalty reports on applicants for radio licenses that the FBI sent on its own initiative to the FCC, one of Hoover's assistants wrote another: "It would be my recommendation that we not, at this time, open a loyalty investigation on Clifford Durr. I believe that we should wait until a loyalty form is received on him. To open an investigation at this time prior to the receipt of the loyalty form could easily be construed by him and publicized as persecution in view of his attack on the Bureau. . . . I think it would be better to wait until the loyalty form is received, at which time the Bureau has the definite responsibility of making the investigation." When his loyalty form did arrive, the FBI didn't quite know what to make of it. A 1949 "Background Report" notes: "On December 12, 1947, Durr's loyalty form was filled out in what appears to be a sarcastic or at least facetious manner, e.g., Aliases, 'Pat,' 'Pinky,' 'Daddy,' 'Grandpa'; *Organizations: Sigma Alpha Epsilon*; Group Health Associates, Inc., Exalted Order of Giraffes." (The latter, by the way, was a group of friends who happened to be tall.)

¶ Letters—two to members of Truman's Cabinet—that were stolen from Durr's desk. SAC, Denver, to the Director, November 4, 1950: "On November 3, 1950,-----, whose identity should be protected, made available to----- the following two letters which he had obtained from Mr. Durr's desk and/or file."

¶ A copy of the inscription written by Corliss Lamont in one of his books that was in the Durrs' library—provided by an informer posing as a friend who also reported on dinner-table conversations, guests, etc.

¶ Abundant evidence that, once the Durrs were back in Montgomery, the FBI was primarily interested in their work on behalf of integration. In 1962 SAC, Mobile, wrote Hoover that "Mrs. Durr is not known to have any current CP organizational functions or activities whereas she is publicly known to be sympathetic to Negroes in all current race troubles and issues." In 1964 Hoover wrote Mobile that Mrs. Durr "has never been identified as a Communist Party member. She was extremely active in integration activities over the years. . . . In addition, subject is considered to be a non-conformist. . . ." In 1964, when Durr was invited to deliver a series of lectures at English universities, Hoover alerted the CIA and the State Department: "Clifford Durr is a well-known proponent of civil rights for all and has been outspoken in his opposition to Government loyalty investigations and investigating committees in the past. . . . Mrs. Durr . . . is extremely active on behalf of integration activities at present."

¶ Eventually, Mrs. Durr was no longer seen as a threat to the national security, although for an interesting reason. Hoover to SAC, Mobile, November 13, 1968: "In view of fact that subject is a housewife it would appear that she no longer qualifies for inclusion in Section A of the Reserve Index."

Should the FBI be allowed to decide whether material like this is historically significant? Indeed, could the FBI, even with the best of intentions (I found several people in the FOIPA branch and the field offices who were especially concerned and helpful), and with expert assistance from the National Archives or the American Historical Association, ever formulate acceptable criteria that would balance the interest in the preservation of valuable historical documents with the right to privacy that was reaffirmed and mandated by the Privacy Act of 1974?

There is an irony here, for the justification of, and reason for, the record destruction in the first place is the requirement in the Privacy Act—placed there at the insistence of civil libertarians—that each federal agency "maintain in its records only such information as is relevant and necessary to accomplish a purpose . . . required to be accomplished by statute or by executive order of the President." Further, no federal agency may maintain records "describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained unless pertinent to and within the scope of an authorized law enforcement activity."

The FBI, in short, is caught in the middle of a familiar struggle between historians, who champion the public's right to know, and Congress, which has shown a commendable—if late-blooming—concern for the right to privacy. As a historian, my view is that Congress was too hasty in requiring the wholesale destruction of documents, even documents the government had no business securing in the first place. I believe, further, that the rights of people whose privacy was invaded by the FBI

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and other government agencies over the years can be protected by measures short of that wholesale destruction.

Surely the public does have a legitimate interest in learning how public agencies—especially sensitive ones like its national police force—have behaved in the past, and valuable history can be written from records that even conscientious investigators would not regard as significant. Thus, records that were created at public expense to serve public policy should be preserved. Moreover, if a belated concern for the right to privacy is the real reason for the destruction, shouldn't the FBI be required to secure the permission of the subjects of those files before destroying them? Certainly some investigatees would want to waive their newly appreciated right to privacy in the interest of preserving the historical record of a shameful period in our history. Or are their preferences to be ignored in the suddenly popular rush to protect their rights? And what of the dead—who speaks for their posthumous concern for privacy? Finally, destruction of the files will not right the wrongs that were done; it will only destroy the evidence of them.

In short, acceptable criteria for saving and destroying some of each file would seem impossible to formulate, and destroying all but a few celebrity files would also be a calamity. Why not, instead, save the whole sordid lot of it (or what's left), store it in the National Archives, and limit access in the ways research libraries have always done, such as requiring advance permission of the subjects of the files, or closing them until a specified number of years after their deaths?

It is neither necessary nor wise for Congress to amend the Privacy Act—transferring the files to the National Archives would in itself prevent the originating agency from maintaining them—but the Government Information and Individual Rights Subcommittee of the House Committee on Government Operations should be urged to hold immediate hearings to rescind or revise the March 1976 agreement that authorizes and sets guidelines for the record destruction program.

It is a misguided conception of civil liberties that attempts to compensate for their abuse by obliterating the historical record of those abuses. Forgetting the past cannot right its wrongs, and may contribute to their recurrence. □

BLUEPRINT FOR TRIDENT

The Ultimate First-Strike Weapon

ROBERT C. ALDRIDGE

It has been claimed that Submarine-Launched Ballistic Missiles (SLBMs) would be among the first, if not the very first, weapons used in limited nuclear war. They fit well into the Pentagon's counterforce targeting doctrine of selectivity and flexibility. However, the characteristics that make SLBMs desirable for limited exchanges are the same ones that make them the likely choice to initiate a total disarming strike. One consideration is that the submarines' locations are much less certain to the Soviets than land-based ICBMs because the USSR's submarine tracking network does not match America's. (See Aldridge: "Nuclear First Strike: The Pentagon Is Working on It," *The Nation*, June 11, 1977.) Consequently, most of the United States' SLBMs could slip in to destroy Russian missiles before these could be launched in retaliation.

But the most important advantage of SLBMs for this deadly purpose is their shorter flight time, made possible by the shorter range from which they can be fired. Whereas ICBMs take about thirty minutes to get from one continent to the other, SLBMs can reach their target in as little as ten or fifteen minutes. Translated to warning time, a country under attack would be alerted about twenty-five minutes before the ICBMs arrived but would have as little as five minutes' notice for SLBMs. Even after warning there is a finite interval needed to launch retaliatory missiles before they can be destroyed, and in the case of an SLBM attack the time allowed for reaction could be reduced to zero.

In 1966-67 the Institute of Defense Analysis conducted the Strat-X (Strategy-X) study for the Pentagon, to define future weapons. The Underwater Long-range Missile System (ULMS), later to be known as Trident, emerged as the Navy's new strategic system. Initial development started in 1968 and former Deputy Defense Secretary David Packard directed the Navy to begin final development in September 1971. In February 1973 the Navy announced plans to base Trident in the Pacific with its home port in Puget Sound. The following year it appropriated funds for the first Trident submarine.

The Trident weapons system will eventually consist of a new fleet of submarines and two generations of submarine-launched missiles. It will feature such exotic new systems as Maneuvering Re-entry Vehicles (MARVs) and, if the Navy gets its way, the huge underground Seafarer communications network in the Upper Peninsula of Michigan. But Trident, like other Pentagon projects, also has a history of public deception to prevent an uproar.

Robert Aldridge, an aerospace engineer, worked sixteen years for Lockheed helping to design Polaris missiles and MIRVs for the submarine-launched Poseidon missile. It was while leading an advanced re-entry system engineering group that he was given responsibility for concept design of the Mark-500 maneuvering re-entry body for Trident and participated on the EXPO Task Force. In that capacity he first saw the Pentagon shift to counterforce, which led to his resignation. He is now doing research, writing and lecturing to inform the American people about the first-strike trends in weaponry. His articles have appeared in The Nation, Bulletin of the Atomic Scientists, *and other publications.*

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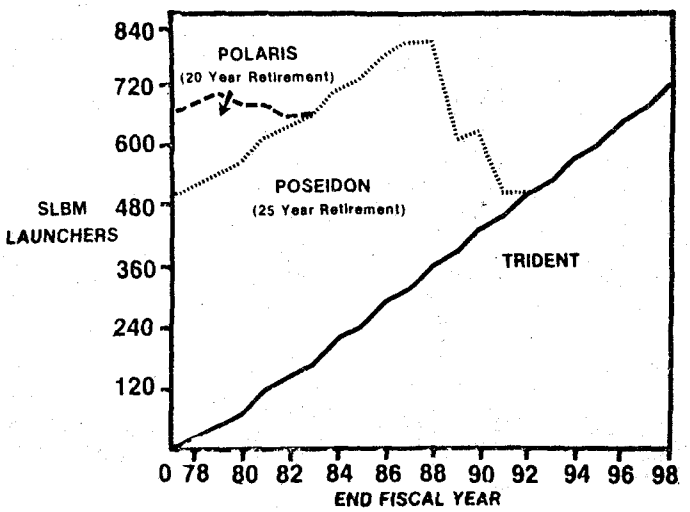
Let us first look at the submarine.

After a strong bureaucratic struggle between the strategic-systems and nuclear-propulsion factions of the Navy, the Trident ship was finally defined as a huge submarine that would hold many large missiles carrying a considerable quantity of warheads. Its 18,700 tons more than doubles the displacement of existing Poseidon submarines and even exceeds the weight of the fleet's newest nuclear strike cruisers. The 560-foot length of a Trident is almost as long as two football fields. Its capacity of twenty-four missiles is half again the quantity carried by Poseidon subs, and each missile can be almost twice as big. The operational date for the first submarine, after several slippages, is now January 1981.

The actual number of submarines the Navy wants has been concealed through the use of evasive wording. For many years both Congress and the American people were led to believe that the Navy intended to build only ten. Early in 1975 the House Armed Services Committee pressed for a more specific answer and Vice Adm. Frank Price Jr., Deputy Chief of Naval Operations, replied: "Right now, Mr. Chairman, our program is for ten submarines. And that is our program at this point in time." Those carefully chosen words obviously left the door open for more and in 1976 the Navy announced plans for an eleventh sub—the twelfth and thirteenth were added in 1977.

Simple arithmetic tells us that by 1992, when the newest Poseidon submarine reaches the end of its twenty-five-year service life, the Navy will need twenty-eight Trident boats to maintain its current deployment of 656 SLBMs. The following Navy chart reveals that the Navy is thinking way ahead—that on the present delivery schedule of one submarine every eight months there will be thirty by 1998.

On the other hand, this chart also indicates that the number of SLBMs will fall to below 656 for about a



Hearings on Military Posture and HR 5068, before the House Armed Services Committee (February 8, 1977).

ten-year period and will hit a low of 480—if the present delivery rate is not stepped up. The retirement of old submarines will occur faster than new Tridents are being built. It is not likely that the Navy would tolerate such a decrease.

The Navy's publicity on Trident-basing has also been deceptive. For years Congress and the public were led to believe that there would only be one base and that it would be on Puget Sound in the continental United States. (See Aldridge: "Puget Sound: Missile Target," *The Nation*, February 1, 1975.) That, according to the Navy, would save the cost of overseas forward bases and the construction of Trident submarine tender ships. Nevertheless, rumors of a forward base in the Palau Islands of the Pacific gained credibility when it was discovered that Heede International of Vancouver, British Columbia, had built hoisting cranes to handle Trident missiles and that those cranes are being installed on the submarine tender *U.S. Simon Lake*. Submarine tenders are not needed at continental United States bases.

Then more substantial evidence of forward-basing, possibly even on the Indian Ocean island of Diego Garcia, became public with the announcement that Lockheed's ship-building division has received a contract to design and develop three new Trident submarine tenders. But the single-U.S.-base myth finally evaporated in early 1977 when the then Defense Secretary Donald Rumsfeld announced that the Pentagon was considering an East Coast base for Trident at King's Bay, Ga. All of these events seem to indicate that the Navy plans to have four Trident bases (Puget Sound, King's Bay, Palau and Diego Garcia) that will strategically ring the world and have ready access to every ocean.

To understand the nature of this new weapon let us turn to the missiles.

Lockheed Missiles and Space Company was awarded the production contract for the first-generation Trident missiles in August 1974. "Trident 1" missiles will be the same size as Poseidon—34 feet long and 74 inches diameter—and will have a range of 4,000 nautical miles. If some of the eight possible 100-kiloton warheads are removed, it will reach out even further. Besides going into the new submarines, this weapon will also be "backfitted" into ten (present plan) Poseidon boats starting in early 1980.

Trident 1 has its roots in the EXPO Task Force which started at Lockheed in 1971 (EXPO being the acronym for EXtended-range POseidon). The idea was to create an option for the Navy to put "souped-up" Poseidon missiles (designated C-4) on existing submarines by using readily available technologies. The Navy subsequently voted EXPO down because it would tend to encourage delay in new submarine construction, which had high priority. Nevertheless, the Trident 1 missile (still designated C-4) came back to life after the sub program was safely underway. Now the Navy has both the "backfit" program and new submarines being built.

The chief means of obtaining the range goal of Trident 1 is to use the center space under the nose cone (occupied by four re-entry bodies on Poseidon missiles) to mount a small third-stage rocket motor. Additional plans included using a hotter propellant in lighter weight motor cases, micro-miniaturization of electronics, and lighter composite structural materials. But these innovations have been plagued with monumental design prob-

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lems. (See Aldridge: "The Trident Fiasco: Obstacles on the Way to Doomsday," *The Nation*, August 16, 1975.) Failure to accomplish the planned weight saving, of course, means sacrificing range.

When the first Trident 1 flight test missile lifted off the pad at Cape Canaveral on January 18, 1977 it was more than a year behind schedule. Although the exact configuration of that first vehicle is clearly a guarded secret, critics had predicted that it would be at least 20 percent overweight. It is quite possible that it did weigh more than allowed and that the payload was reduced to achieve the reported range. We may find that by removing the four center warheads on Poseidon and installing a similar third-stage rocket motor, that missile's range could be increased to equal what Trident will eventually end up with.

The second-generation "Trident 2" missile is to have a full-payload range of 6,000 nautical miles. It will stretch to a 42-foot length and swell to 82 inches diameter and will fit only into the new submarines. To illustrate the potential destructiveness of Trident 2, one of the reported payload "mixes" is fourteen 150-kiloton warheads—another is seven 300-kiloton Multiple Individually-targeted Re-entry Vehicles (MIRVs). With deployment planned in the mid-1980s, when it can get navigation fixes from the Navstar global positioning system, Trident 2 will be able to place each of those warheads within 300 feet of their separate targets.

Exploding the equivalent of fifteen Hiroshima bombs within rock-throwing distance of missile silos does not exhaust the Pentagon's ambitions. It is also developing Maneuvering Re-Entry Vehicles (MARVs) which will whittle that miss distance down to just a few feet. That means MARVs can be smaller and more of them will fit on each missile. (See Aldridge: "First-Strike Capability: From MARV to Holocaust," *The Nation*, March 26, 1977.) Best estimates are that Trident 2 will carry seventeen MARVs with an explosive punch between 75 and 100 kilotons. That is a tremendous kill power when we consider that even a 20-kiloton bomb with an accuracy of 100 feet has better than a 99 percent chance of destroying a silo hardened to withstand an overpressure of 1,000 pounds per square inch.

Scare tactics about the Russians also contribute to the subterfuge surrounding Trident. The USSR's Delta submarine, with its 4,200 nautical mile range SS-N-8 missile, has been said to be the counterpart of Trident. First we heard of the Delta 1, with only twelve missiles. In 1976 the Delta 2 with sixteen missiles was reported operational. In 1977 it was alleged by the Pentagon that a couple of Delta 3 boats were at sea—the Delta 3 being stretched again to carry twenty SS-N-8s. On top of that, intelligence agencies say there is evidence that a new Soviet submarine called Typhoon is under construction. It is supposed to be about the size of Trident and to carry twenty-four missiles.

Likewise, Soviet SLBM development is getting a lot of publicity put out by the Pentagon. The single-warhead SS-N-8 has apparently been equipped with a stellar inertial guidance system but, according to the Stockholm International Peace Research Institute, that did not improve its target accuracy. A new SS-NX-17 is the first Soviet SLBM being developed to use solid propellant but it will have a range of only 1,700 nautical miles. The real follow-on to the SS-N-8 strategic weapon is the SS-NX-18 which burns storable liquid fuel and is supposed to have a range of 6,000 nautical miles for its three MIRVs.

All of that activity sounds pretty menacing. When we really examine it, however, the only characteristics that even equal Trident capabilities are the missiles' ranges and the Typhoon submarine's capacity in numbers of missiles. The number of warheads comes nowhere close. And although the Pentagon continues to harp on the Soviet's megatonnage lead, they conveniently overlook missile accuracy—the area in which the United States is significantly ahead and which plays a more important role than yield in the "lethality" equation. Lethality is the measure of a weapon to destroy hard military targets and is expressed as:

$$K = \frac{Y^{2/3}}{(CEP)^2}$$

where: K = lethality of warhead
Y = warhead yield in megatons
CEP = accuracy in nautical miles

The overriding importance of accuracy in this equation can be illustrated by saying that if we cut the miss distance in half we would need a bomb only one-eighth as powerful to retain the same hard-target kill-capability.

The following chart is a comparison of Soviet and U.S. SLBMs:

Missile	Total Missile Lethality
Poseidon with ten 40 kiloton MIRVs (CEP = 0.3 n.m.)	13
Trident 1 with eight 100 kiloton MIRVs (CEP = 0.25 n.m.)	28
Trident 2 with fourteen 150 kiloton MIRVs (CEP = 300 feet)	1,579
Trident 2 with seven 300 kiloton MIRVs (CEP = 300 feet)	1,260
Trident 2 with seventeen 75 kiloton MARVs (CEP = 90 feet)	13,487
SS-N-8 with one 1 megaton warhead (CEP = 0.8 n.m.)	2
SS-NX-18 with three 500 kiloton MIRVs (CEP = 0.25 n.m.)	31

We can see from this comparison that even Trident 1 is almost as lethal as the upcoming Soviet SS-NX-18 and that the most conservative warhead mix for Trident 2 is a whopping forty-two times as deadly as that newest Russian SLBM. Of course when we look at Trident 2 with MARVs any attempt at comparison is purely academic. Furthermore, just by comparing the lethality of the two MIRV mixes for Trident 2 (fourteen 150-kiloton vis-à-vis seven 300-kiloton bombs) where the accuracy remains the same, we can see the advantage in both kill power and number of targets that can be destroyed by putting more and smaller warheads on a missile. The U.S. ability to make smaller and more accurate bombs, therefore, certainly is much more relevant to a first-strike

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capability than the USSR's brute strength approach with megatonnage.

If we carry this comparison to total submarine lethality the chart would sum up as follows:

	Total Submarine Lethality	Targets that Can be Destroyed
(U.S.) Trident submarine with Trident 2 missiles loaded with fourteen 150-kiloton MIRVs	37,901	336
(U.S.) Trident submarine with Trident 2 missiles loaded with seventeen 75-kiloton MARVs	323,678	408
(USSR) Typhoon submarine with SS-NX-18 missiles loaded with three 500-kiloton MIRVs	726	72

It is clear that the Russians have a long way to go to catch up with the Pentagon's first-strike potential. *The deadliness of a Trident submarine equipped with Trident 2 missiles and 150-kiloton MIRVs is more than double the total lethality of all the Soviet's 1977 inventory of SLBMs and ICBMs combined. Adding MARVs increases the U.S. capability almost tenfold.* That is a lot of responsibility to put in the hands of one submarine commander.

Lethality used in this manner is merely a quantative means of measuring a country's overall counterforce potential. To figure the probability of killing a specific hard target we would have to consider the number of warheads directed against the target, the lethality of each warhead, the reliability of the weapons system, and the hardness of the target. (It should be noted that the United States also leads in reliability and warhead numbers.) Nevertheless, the foregoing comparison is a valid way of integrating megatonnage, precision, and the effects of MIRVs and MARVs to assess each country's potential to launch a disarming first strike.

Let us now sum up Trident's capabilities.

Each Trident submarine will eventually be equipped with twenty-four Trident 2 missiles capable of striking any point on over half the earth's surface. Each of those missiles can carry seventeen precision-maneuvering warheads with a yield of 75-to-100 kilotons that can be detonated within 90 feet of their individual targets. That means that one Trident submarine will be able to destroy 408 cities or military emplacements with a nuclear blast five times that which ripped into Hiroshima and Nagasaki. Each Trident submarine commander will have at his fingertips an explosive force equal to 2,000 Hiroshimas. The Navy seems to want at least thirty of these undersea behemoths by 1992.

America is being deceived about these developments. Trident will be the ultimate first-strike weapon. Denying that fact may be the biggest deception of all. It is the true "lethality." □

'DIRECTIVE TO PHYSICIANS'

THE RIGHT TO DIE DECENTLY

HAROLD RUBIN

In 1976 Neal Bryte and his wife, Sue, were residents of a Southern California retirement community. Their leisurely schedule included support for a proposed state law that would give the terminally ill or mortally injured the right to a natural death. A week before the law took effect on January 1, 1977, Bryte learned that he had cancer of the kidney. He and his wife quickly executed the Directive to Physicians form, as required by the new law, which instructs doctors not to prolong life when death is imminent and inevitable.

In subsequent months Bryte went through the conventional medical litany of chemotherapy, radiation and surgery and he experienced a temporary remission. Then new symptoms required a spinal operation that caused partial paralysis, and he was moved to a convalescent hospital. At that point Bryte told his wife he had had enough. All he wanted was to be allowed to die in accordance with the directive he had signed. Doctors honored his request and Bryte died in June.

The legislator responsible for California's landmark Natural Death Act, AB 3060, is Assemblyman Barry Keene. More than most of his critics who fought against the law, he is aware of the emotionally charged dramas that unfold when a negative medical prognosis finally quenches all hope. Compassion for the dying spurred Keene to sponsor the first successful legislation of its kind in the nation.

In essence, the Natural Death Act, also known as the "right-to-die" law, insures that a person in Bryte's condition may provide in advance for the withholding or withdrawal of life-sustaining treatment. The basic intent of the bill is to avoid excruciating prolongation of the dying process. A competent adult may execute a legally binding request by voluntarily filling out a printed, 1-page form, Directive to Physicians, and having it properly witnessed. The directive is effective for five years unless revoked sooner, and the patient can revoke it at any time. The request relieves physicians, licensed health professionals, and health facilities from civil liability and criminal prosecution for honoring the provisions of the act.

In this form, however, the directive permits, but does not oblige, the doctor to withhold life-sustaining procedures. For the document to be binding on the doctor, the patient must be qualified and have signed or re-

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executed the paper at least fourteen days after being notified of the terminal condition. The important elements are that the withdrawal or withholding of life-sustaining procedures shall not constitute a suicide nor impair or invalidate life insurance. Excluded from qualification are women who are pregnant at the time the directive is to be carried out. If the patient is in a skilled nursing facility at the time of signing, a "patient advocate" or ombudsperson designated by the state Department of Aging must witness the signature.

A doctor who does not wish to carry out the directive of a terminally ill patient is required to transfer care of the patient to a colleague who is willing to comply. Two physicians, one of whom shall be the attending physician, must verify that a terminal condition exists.

All cases where the Natural Death Act has come into play in 1977 are not as clear-cut as that of Neal Bryte's, and the complexities of the politically and morally controversial legislation have already been indicated.

Assemblyman Keene has mixed feelings about the effect of his legislation and some questions about the need for modifications. "The act is the product of a generation which demands that death be openly discussed," he says. He believes that people are searching for ways to "re-humanize" the dying process, and that they view with horror the confrontation between modern technology and the human needs of dying. The California legislator questions the sterile and intricate medical apparatus that has sometimes divorced itself from the human beings it is purportedly designed to serve. "The sanctity of life can be jeopardized by extraordinary efforts to maintain it beyond natural limits," Keene argued during the heated legislative debates. He charged that because of modern technology doctors are more apt to prolong dying rather than to extend life. His views reflect those of Robert M. Veatch, a specialist in medical ethics, who believes that, whereas we used to die of natural causes, as a result of drugs and machines we can now die only by consent of a medico-legal committee.

Despite strong opposition from "pro-life" forces in California, Keene said three factors were responsible for his victory. Legally, there was a desire to strengthen the doctrine of informed consent, which is based on the principle that an adult has the right to determine what shall be done with his body and includes the privilege of declining medical treatment. Theologically, there were moral reasons for defending the sanctity of life from extraordinary medical efforts to maintain it beyond natural limits. Politically, there was a growing public demand that the terminally ill be allowed to control their own medical destiny.

"Out of some misplaced benevolent custodialism, the dying were systematically and deliberately stripped of their autonomy at a time when psychologically they were desperately in need of it," Keene said. "To the condition of hopelessness there was added a thoughtlessly inflicted helplessness."

His studies showed that, until recently, most Americans had met their end among friends and in familiar surroundings. Today, more than three-quarters of the terminally ill are consigned to institutions that are unprepared to deal with their final needs. Supporters of Keene say the dying find themselves isolated in a sterile hospital environment when they need companionship, and are intruded upon by the hospital routine when they need solitude. Medical professionals are said to be unequipped to serve terminally ill patients because their education has emphasized the preserving of human life at all costs.

The real terror of institutionalized dying is not death, according to Keene but mechanical maintenance without medical purpose and the ultimate indignity of having one's remaining days controlled by strangers. Death is often perceived by the medical staff not as a perfectly natural event but as a technological failure to use the machines at their disposal.

Before the passage of AB 3060 the terminally ill person had a theoretical legal right to control his medical destiny through what was called a "living will" but he lacked the means to exercise it. The Natural Death Act established a legally sanctioned mechanism whereby a person could have some measure of control over his final days even though he might no longer be able to communicate effectively his refusal of treatment.

Keene acknowledges that the Natural Death Act contains flaws, and he attributes them to the political climate in Sacramento. Zealous supporters were pushing for active euthanasia; emotional critics equated his measure with Nazi genocide practices. Many legislators were reluctant even to approach the sensitive issue. It was necessary for Keene to find a tenable middle ground. He knew that if the act went too far the medical and legal professions would be unlikely to honor it.

When the act was being debated, the specter of mercy killing and involuntary euthanasia aroused the most vocal opposition. Proponents attempted to quiet these fears by stressing that the bill deals only with a well-defined category of individuals who are soon to die. These persons would determine for themselves not *if* they should die but *how*. An essential feature declares that the act shall not be construed to condone, authorize, or approve mercy killing, or to permit any affirmative act or omission to end life, other than to permit the natural process of dying.

For these reasons the act does not create a statutory framework for the patient who might lapse into a persistent but irrevocable vegetative or noncognitive state. Nor does it deal with treating terminally ill infants or children. To avoid becoming embroiled in the abortion controversy, supporters amended the legislation to exclude pregnant women from coverage.

Keene acknowledges the existence of "twilight states" that he believes should not be dealt with legislatively because of the potential for active or involuntary euthanasia. The act does not apply to quadriplegia, retardation, senility, or other conditions of diminished brain or motor capacity. Neither is it applicable to cases of reversible coma, where the patient may recover, albeit with severe mental or physical deficiencies.

An example of the uncertainties involved in inter-

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preting the act was the case last March of a 56-year-old victim of kidney failure. The man was a patient at the University of California Medical Center in the San Francisco Bay Area. He had suffered chronic kidney failure for several years and was kept alive with treatment in the center's hemodialysis clinic where the blood poisons that built up because of kidney malfunction were removed.

But a plastic shunt embedded in the man's arm caused blood clots to form, and with each treatment surgery was required. Finally he told his physicians that he preferred death to more cutting. He filled out the Directive to Physicians, saying he did not want his life artificially prolonged. When another clot formed, the doctors heeded his request and eased his pain until his death occurred in a few days.

"We are not even sure if the man fell within the definition of persons covered by the act," said Albert Jonsen, associate professor of bioethics at the medical center. "With dialysis he could have lived for a long time, perhaps years." While the man was receiving treatment he lived an essentially normal existence. Under the Natural Death Act his doctors had official assurance that they were complying with the patient's desires, even though some members of the family did not agree that the patient should be allowed to die.

Because Keene foresaw that individually drafted "living wills" would introduce thorny medical and semantic problems, the state provides a uniform printed Directive to Physicians that insures provision of the required information in unambiguous language. Some critics of the act charge it fails to provide civil sanctions against physicians who refuse to honor the directive. The chief assumption of the act was that the wishes of the terminally ill person would be paramount, and that the directive would be binding in all instances. Yet some amendments were added that dilute the original intent of the act. When a person executes the directive while still in good health, and then becomes terminally ill without re-executing the document after the fourteen-day period, the physician has the discretion to review the case with the family to determine whether the document should be honored. The argument for this change is that the patient may have executed the directive without an adequate appreciation of a future condition or attitude toward death. While there is no civil liability if the physician honors the directive, neither is there a liability if the physician decides otherwise. The act actually permits the physician to decide in favor of life where a reasonable doubt exists about the ultimate prognosis.

When the act had been in effect nine months the California Medical Association conducted a survey soliciting the comments and reactions of a representative cross section of physicians practicing in urban and rural communities. Each of the doctors queried had previously ordered a minimum of 100 copies of the Directive to Physicians. Of the 168 physicians surveyed, 112 responded. In some instances an individual respondent was speaking for others in a group practice.

Slightly more than half of the respondents said the act had been useful to them primarily because it helps improve relationships with the patient and families involved, and that it is easier now to withhold or withdraw life-sustaining procedures. Some doctors said the act provided a mechanism for patients to communicate with their physicians and served to bring the subject of imminent death "out of the closet."

Nearly half of the doctors responding reported the act had no significant effect on how they practiced medicine but merely gave legal sanction to medical decisions they would have made even without the law. Ninety-three of the doctors said they had no occasion to use the Directives to Physicians in withholding or withdrawing life-sustaining treatment.

Half of the surveyed doctors did not believe the act requires revision. About 17 percent believe the following revisions would be useful: elimination of the requirement for witnesses to the directive; clarification of the role of the ombudsperson; elimination of the differential between qualified and unqualified patients; revocation of the fourteen-day period of execution or re-execution. Many of these suggestions were made at the time AB 3060 was being considered in the legislature. Some doctors also raised questions about prolongation of the individual's life where the situation was not terminal, but where there was little or no hope for the patient to exist in more than a vegetative state.

The California Medical Association has distributed more than 100,000 Directives to Physicians to its members, and thousands of these forms have been made available at retirement communities in the state. The act has been discussed at legal and medical conventions, religious colloquia and schools of medicine. Public and professional attention has been drawn to the proper use of medical technology and to the human needs of terminally ill persons. Seven states, Arkansas, Idaho, Nevada, New Mexico, North Carolina, Oregon and Texas, have followed California's lead and enacted similar legislation.

An additional effect of the year-old law has been to focus attention on the hospice concept—the hospice being designed as a place where terminally ill persons can come to die in dignity, free of depressing cancer wards and medical machinery. The hospice movement is gaining support in several states and in individual hospitals and nursing homes nationwide.

Physicians and lawyers are also re-examining and challenging legal restrictions that prevent doctors from making full use of a drug therapy that can ease the needless agony of cancer patients. "Free and indiscriminate prescription" of drugs for terminally ill patients is not permitted because this can speed up the dying process by several weeks and can be described as a form of euthanasia. Peer group review committees monitor the amounts of pain-killing drugs that are being administered and are quick to clamp down when they decide a doctor is guilty of excessive or indiscriminate prescription of drugs such as heroin and morphine. Assemblyman Keene said that, despite some still unresolved problems, the Natural Death Act demonstrates that legislative bodies can make progress in what originally appeared to be a politically risky and impossible area. □

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BOOKS & THE ARTS

Racial Films of the 1940s: Safe Fearlessness

NORA SAYRE

Audiences teethed on the black cinema of the 1970s mightn't easily guess that racism was rarely explored by Hollywood until after World War II, nor how daring the subject was considered then. Previously, very few films had even admitted that a character was Jewish.

In 1947, RKO hastened the completion of *Crossfire* four months before the release of the much more expensive and ambitious *Gentleman's Agreement*. Directed by Edward Dmytryk and produced by Adrian Scott—who would soon become two of the Hollywood 10—*Crossfire* examines anti-Semitism far more thoughtfully than its famous competitor. (The novel by Richard Brooks, on which *Crossfire* was based, centered on the murder of a homosexual, who was changed to a Jew for the film.) Constructed as a detective story, the movie skillfully imparts the postwar mood of those who were still searching for an identifiable enemy, plus the habits of hatred encouraged in wartime—a civilian says, "You can *feel* the tension in the air. A whole lot of fight and hate that doesn't know where to go"—and the casual assumption that there will be another war. There's some of the 1940s psychology that surged through the movies of the period, especially when it's repeated that the army can make men hate themselves: for fighting too well—or not well enough. A long speech delivered by a District Attorney asserts that racism has murdered Irish Catholics, Jews, Protestants and Quakers, but carefully omits any reference to black people. The movie hints that decent Americans aren't aware if others are Jewish, and that it's nicer not to notice that anyone belongs to a particular race.

The novel is meatier than the movie: packed with anti-war themes, it dwells on white hatred of blacks as well as on anti-Semitism, and also on the hostility of heterosexuals toward gay men. In the movie, the only anti-Semite is crazed, and it's implied that he's a rarity. But given *Crossfire*'s limitations, this taut, modest film owes much of its quality to the performances of the three Roberts: Ryan and Mitchum and Young. The last's pensive weariness as the D.A. highlights the energies of the other two. The youthful Mitchum is insolent and sleek; equally cynical about the war and the home front, he's the kind of likable tough who often appears in this species of hard-boiled liberal melodrama. Ryan achieves a harsh yet subtle portrait of a racist, and his genial moments underline the violence that flares up within him despite his efforts to disguise it. Threatening even as a silent presence, he's all ominous potential: this man can, does, and will kill again. Throughout, the word "stinking" recurs with the savagery of an old-fashioned obscenity—it conveys the fury of the racist in a way that was new to the screen.

Such films, although favorably reviewed, were still thought controversial, and *Gentleman's Agreement* was even accused of "Red ideology" by one of Hollywood's anti-Communist pamphleteers. Several Catholic groups also objected to the movie because the heroine was a divorced woman. And some of the wealthy Jews in Hollywood protested that *Gentleman's Agreement* should not be made at all.

The film of Laura Z. Hobson's best seller seems ludicrous today, mainly because of the ineptness of the script by Moss Hart. Of course the intentions—to expose the buried anti-Semitism of liberals—can't be faulted. But the conclusion is disturbing: *Gentleman's Agreement* suggests that if only people wouldn't *behave* badly, or use rude words, then "prejudice" could be eliminated—if everyone could learn good manners, then there would be no problem. The movie doesn't deal with the roots of racism, or the passions involved, let alone the violence—as *Crossfire* does. It's also stated that there's "no difference" among Americans; according to the film, there's no such thing as racial history or experience or identity. And while it's admitted that jobs and apartments may be denied to those with Jewish surnames, their fiercest punishment appears to be rejection at lush hotels or country clubs.

Gregory Peck, who works for a magazine that seems to be a soft-centered *Time* with some kinship to *The Saturday Evening Post*, has to embody the dilemmas of writers. (I always enjoy the exertions of prose hounds on the screen. And his crusading employer has some lines that enhance his profession: I would cherish an editor who said, "Now get good and comfortable" before revealing that he's "had an idea.") Asked to produce some articles on "bigotry"—"Break it wide open!"—Peck glumly searches for "an angle." Pacing before the typewriter, he rubs the back of his neck, wonders if he's losing his "grip," rolls up his sleeves, loosens his tie, consults his mother—"There isn't any way you can tear open the secret heart of a human being, is there, Ma?"—until the solution finally overwhelms him: "I've got it! The idea, the lead, the angle! It's the only way . . . I'll *be* Jewish!" Humbly, he utters the quintessential writer's line: "The click just happened inside of me." Intent on shaking the dust off anti-Semitism, Peck invariably knits his eyebrows when he says, "Just because I'm Jewish myself. . . ." But his romance with Dorothy McGuire curdles rapidly because—as far as she's concerned—his sham-Jewishness is almost as bad as the genuine article: she reacts as if he had syphilis.

Accelerating in his identification with his role, Peck is told by his Jewish friend John Garfield that he's "telescoping a lifetime" into a few weeks, which "makes it hurt more": the dialogue implies that Peck is suffering more than a real Jew would. Outraged by the hotel manager's rebuff at an Adirondacks resort, Peck strides out of the lobby before he's told to sleep in the manger, and soon his fiancée seems to be blaming the entire Jewish race for undermining their relationship. Bosley Crowther remarked that

A special series of 1940s films on racism will be shown at the Donnell Library Center, the New York Public Library, 20 West 53rd Street. Screenings at 2 P.M. *Home of the Brave* on March 31; *Gentleman's Agreement* on April 7; *Crossfire* on April 14. Nora Sayre will lead a discussion afterward.

Nora Sayre, author of Sixties Going on Seventies *(Arbor House), is now working on a book about the 1950s. She was a film critic for* The New York Times.

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it was "amazing" that a journalist "should be so astonished that anti-Semitism is cruel," and he pronounced Peck's role "extraordinarily naive."

After his pieces are published, an admiring colleague of Peck's exclaims, "If only everyone would act it out, just one day a year, it'd be curtains overnight!"—thereby giving us the formula for abolishing anti-Semitism. All in all, *Gentleman's Agreement* is Worthy of Ring Lardner Jr.'s response after he first saw it screened: that the movie's moral is that you should never be mean to a Jew, because he might turn out to be a gentile.

Five years earlier, Lardner and Michael Kanin wrote *Woman of the Year*; in one scene, Katharine Hepburn—as a Dorothy Thompson figure—spoke a number of languages, including Yiddish. Louis B. Mayer found that distasteful, so another language had to be substituted. The Jewish producers continued to be squeamish about this matter, although, as James Agee wrote about the racial films, "Few things pay off better in prestige and hard cash . . . than safe fearlessness." Agee predicted that these movies would win Hollywood "a sprinting-prize for taking Baby's First Step."

Samuel Goldwyn later hired Lardner to adapt a book about anti-Semitism in Montreal, titled *Earth and High Heaven*, which Goldwyn had bought at the instigation of his wife. After reading the first draft of the script, Goldwyn said that Lardner had "cheated and betrayed" him. The producer explained that, "Just one of the reasons that I hired you for this job was because you're a gentile—and you wrote it like a Jew." Lardner rewrote the material, and then six other writers worked on it, but none of the scripts succeeded with Goldwyn. But when *Gentleman's Agreement* reached the screen, Goldwyn said that Darryl Zanuck had stolen his idea.

Crossfire had flourished at the box office; *Gentleman's Agreement* was even more profitable, and won three Oscars. Therefore, Zanuck commissioned John Ford to direct *Pinky*, which became the second highest earner of 1949. But Ford clashed with Ethel Waters, and Zanuck said later that "Ford's Negroes were like Aunt Jemima. Caricatures." Pleading shingles, Ford was retired from the movie after ten days' shooting, and Zanuck summoned Elia Kazan, who had also directed *Gentleman's Agreement*. Kazan reshot Ford's footage. Today, Kazan stresses that neither movie was really his own—although he doesn't disown them. Still, he chose neither the scripts nor the casts, and indeed, it's almost impossible to detect traces of his style in either film.

In *Pinky*, Jeanne Crain plays a black woman who passed for white in the North; she returns to the impoverished Southern town of her childhood to confront "her people." Persistently, the white actress behaves like a princess among peasants. She peers at her black colleagues as though they were exotic animals on display, and her performance seems to ask for our sympathy because she is trapped in this movie. And yet the role brought her the best reviews of her career.

The film seems less concerned with how whites abuse blacks than how badly white trash dare to treat Jeanne Crain, who alternates the lowered lids of shame with being petulant and rueful, or gazing bitterly into space, or arching her back in distress. As her grandmother, Ethel Waters keeps chatting freely with God, also casting her eyes up to heaven, while Crain raises hers to the ceiling: perhaps rolling eyeballs were intended as a sign of negritude. Sometimes she fingers her blouse in gloom. When her white suitor learns that she's "colored," he too stares at the horizon, clutching his jacket in his hands: both performers tend to express intense emotions by pawing their own clothes. Introduced to Waters, he says "How do you do?" as if he were addressing a large plant from another planet. Ethel Barrymore—bad-tempered and bedridden as usual—dies and leaves her property to Crain, which reinforces the morality of *Little Women*: virtue will thrive if the poor can manage to live next door to the rich and to see them often.

The courtroom scenes where the Barrymore will is contested do have moments that evoke Kazan: the wet Southern heat is palpable as spectators fan themselves and tempers soar with the temperature. At the end, we see the victorious Crain posed before the Barrymore manor house—now a school for black nurses—and it's possible to be suddenly and unreasonably touched for the first time in this astounding movie.

The Daily Worker reproached the film for not supporting "inter-racial marriage." Actually, the Motion Picture Code forbade such nuptials until 1956. But although Pinky turns down her would-be husband because they "wouldn't be happy" together, few women in the audience would find him tempting, so the sacrifice seems small. The sexuality of the movie is tame even by the standards of the 1940s, but a couple of enthusiastic kisses exchanged between Crain and William Lundigan inspired objections in the South—as did a scene in which two white louts assault Crain after discovering that she's "a dinge." The manager of the Paramount Theatre in Marshall, Texas was jailed and fined $200 for showing *Pinky* for three days—after the city's board of censors had ruled against it. The case went all the way to the Supreme Court, which overturned the city censors' ordinance.

However, *Home of the Brave*, produced by Stanley Kramer in 1949, did very well in the South. The film, adapted from Arthur Laurents's play, diminishes the jagged emotional power of the original, partly because the Jewish soldier who's temporarily traumatized by racism in the army becomes a black man in the movie, where he has to be braver than anyone else—which his Jewish counterpart was not. In order to plead for equality, the movie makes its one black a superior being. Mark Robson directed the cast to overplay and overreact to a pitch that vitiates the strength of the material, as when the white soldiers gape and freeze at the blackness of a fellow volunteer. James Edwards, as the black, was made to be far too neurotic, even for a psychiatric case; when he's offended, his whole body twitches. The hysteria of the victim makes him seem downright psychotic in his response to racism. His romantic friendship with his white schoolmate—Lloyd Bridges, who grins perpetually to establish an angelic temperament—floats on the latter's conviction that racism doesn't exist: "You either like a guy or you don't, that's all there is to it."

The film grows more contradictory: when the black man says that he's "different," he's repeatedly told by an army psychiatrist that everyone's "the same"—but it's also emphasized that he is hypersensitive. He's advised against "carrying that chip on your shoulder." However, "That sensitivity—that's the disease you've got—it's not your fault." The key racist in the movie is partially excused for psychological reasons: he "can't adjust" to the army, and "He's just thoughtless, he says things he doesn't mean." Above all, racists are "insecure." In short, racism might evaporate if blacks ceased to believe that they have suffered, and if whites would stop making jokes about fried chicken and watermelon and the charms of "high-yaller women." Finally, a G.I. who's lost an arm in battle suggests that he's just as handicapped as the black soldier—as though society would subject

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a one-armed person to the same "discrimination" that it bestows on all black people.

Yet, despite its thundering ambiguities, *Home of the Brave* has some absorbing passages, such as the dilating tensions before the soldiers embark on a dangerous mission. Their experience on hearing the screams of Lloyd Bridges when he's tortured offscreen is almost unbearably painful, as is the guilty anguish of the black at the death of his white friend. In spite of a throbbing score by Dmitri Tiomkin, complete with celestial choirs and operatic drum rolls, the movie does make one life lost represent the multiplicity of lives destroyed in an invasion: in that respect, the film is far more harrowing than a number of other 1940s war movies.

Certainly, it's easy to mock the naiveté and clumsiness of the racial movies of some thirty years ago. But what seems craven now had a flavoring of courage then—despite the paternalism that seeps through the spongy liberalism. And except for *Crossfire*, these films have uplift endings: the audience needn't leave the theatre feeling upset. Moreover, the speeches that exalt "tolerance" couldn't have swayed anyone who didn't already agree with them, while the conclusions radiate a confidence about the future that's quite easy to reject. But what if *Pinky* had been cast with a black actress, or if anti-Semitism had been acknowledged as a national trait rather than as a tic of behavior, or if black "sensitivity" had been portrayed as rational rage? Historically, the compromises seem like fuel for perpetuating racism itself—hence the pungent educational value of these movies today. □

Mothers: In the Grip of One Orthodoxy or Another

EVERY CHILD'S BIRTHRIGHT: In Defense of Mothering. *By Selma Fraiberg. Basic Books. 162 pp. $8.95.*

CLARA CLAIBORNE PARK

It is a measure of how thoroughly the activities of mothering have been taken for granted that the index of Philippe Ariès's masterly survey of *Centuries of Childhood*, published as recently as 1960, contains no entry under "mother" or any related word. It contains no entry under "baby" either. Its 400-odd pages offer only a few scattered sentences on the experience of children under the age of 2—or indeed, 7, the age when they left the company of their mothers and nurses, joined society, and became interesting. Ariès refers revealingly at one point to "the commonplace love of little children—that elementary form of the concept of childhood."

It is to this commonplace love of little children that Selma Fraiberg's defense of mothering is addressed. She is very far from taking it for granted, except insofar as she believes that with proper social support most mothers will do their job gladly and well. Mothers today don't have it as easy as mothers in primitive tribes; instead of the traditional wisdom, they must resort to books, which often don't agree. Grandmothers aren't sure they know how to raise today's babies, and besides, they aren't around the corner, but off in Florida playing tennis or taking courses in creative writing. Nevertheless, mothering is not a recondite skill, and "it is achieved regularly by ordinary parents with ordinary babies without benefit of psychiatric consultation"—fortunately for the human race. In America today, however, a combination of private and public attitudes and decisions are jeopardizing the mothering that the ordinary arrangements of human societies have previously guaranteed. The mother's daily care of her young children is essential social work, yet neither privately nor publicly is it respected or rewarded. Economic necessity or the desire for more fulfilling activity brings more and more mothers to leave their babies to be cared for by others. But "substitute mothers" are no substitute: old-time nannies can't be had, day-care centers are inadequate or worse. For Fraiberg, the 6.5 million children under the age of 6 whose mothers work are in jeopardy. She has written this small book to sound the alarm.

Professor of child psychoanalysis and director of the Child Development Project at the University of Michigan, Dr. Fraiberg is known for her remarkable work with blind babies and their mothers, which showed how well these mothers, also "ordinary" in all but the magnitude of the task they were called upon to perform, could learn to create the rich environment of loving and learning their handicapped babies needed. *Every Child's Birthright* contains many ideas but a simple thesis: those uninteresting early years are not the least but the most important. Babies need steady, warm human contact to grow up healthy, and they need it from a single person. If they don't have it, they, and later on, society, will be in bad trouble. Freud, the animal studies of Harlow and Lorenz, the work of Spitz on institutionalization and Bowlby on separation are cited. "A consensus among scientists from a wide range of disciplines" tells us "that the human qualities of enduring love and commitment to love are forged during the first two years of life."

The old emphasis has been reversed, and then some. The years which were too commonplace and elementary to warrant attention are now seen as crucial. If during those years the baby is deprived of the natural mothering which is needed to elicit the bonds of human attachment, he is threatened with what Fraiberg calls "the diseases of non-attachment," of which the primary symptom is "the incapacity . . . to form human bonds. In the absence of human ties, a conscience cannot be formed." The lives of these diseased individuals are "a vagrant journey with chance encounters and transient partnerships." They gravitate to the underworld, to drugs and prostitution, populating our jails and mental hospitals. At best, they are indifferent loners; at worst, they poison society with their "potential for crime and violence."

She also implies that the effects of deprivation are irreversible: "Children who have been deprived of mothering, and who have formed no personal human bonds during the first two years of life, show permanent impairment of the capacity to make human attachments in later childhood, even when substitute families are later provided for them." This kind of damage is not limited to institutions: "A baby who is stored like a package with neighbors and relatives while his mother works may come to know as many indifferent caretakers as a baby in the lowest-grade institution and, at the age of 1 or 2 years, can resemble in all significant ways the emotionally deprived babies of such an institution."

If Dr. Fraiberg is a bit hard on the

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neighbors and relatives who care for the majority of those 6.5 million kids, she has nothing good to say of the day-care arrangements, public and private, which she calls, in a chilling chapter, "Child Care Industries, Incorporated." She cites a study by former Women's Bureau chief Mary Keyserling. Of proprietary (profit-making) child-care centers, 50 percent were rated "poor" and 36 percent "fair." Nonprofit centers, subsidized by public funds, do better: 50 percent are "fair" and 11 percent "poor." Sporadic "cognitive enrichment," when it exists, is no substitute for mother. Even the "good" centers lack the continuous care by a single person which Fraiberg thinks essential; the others are no more than "baby banks, dispensing necessary services such as diapering, a meal and a snack, Kleenex for the tears, rescue from assault by peers, safe storage for the ten hours when mother is at work."

If these children are to be properly cared for she says, "We will need over 2 million devoted and dedicated 'substitute mothers' with professional qualifications." Of course we shall not get them. Instead, we have the "Looking-Glass World of Day Care," in which, by public policy, welfare mothers work in child-care centers taking care of other mothers' children, supposedly to obtain "job training" and "improvement in the quality of life," while their own children are taken care of elsewhere—at additional cost to the taxpayer, who must subsidize welfare and the centers as well.

Policy makers who read this book will, I hope, be convinced of the dementia of this scenario. But they might well be confused about where to go once they have reversed the 1967 Social Security amendments (not everywhere applied) which required mothers of small children to accept job training and provided penalties for refusal to work. Should they oppose funding for day-care centers which tempt mothers out of the home? Or increase it in order to improve their quality?

Whatever policy makers may think, mothers who work full time, whether by necessity or by choice, will be terrified. Dr. Fraiberg is gentle but firm. Developed societies abandon breast-feeding and the other societal arrangements which insure the bonding process at their peril. She has a keen sense of humor, and a high point of the book is her satirical evocation of an imaginary International Congress of Mothers and Babies in which the shared wisdom of rural Third World delegates is contrasted with the foolishness of "Tribe D," our own. Tribe D "applauds breast-feeding 'whenever possible.'" But "mainly Tribe D babies are fed a scientific formula in plastic bottles, recommended for

> women who do not want to be "tied down." It is not good for some Tribe D mothers to be "tied down." It is not good for the Tribe D baby to have a mother who is tied down. A mother who is tied down might become neurotic, and her nerves would affect the baby. In the polylingual translation [of the imaginary conference] the idiom "tied down" is rendered literally, and the delegates from Tribes A, B, and C listen with sorrowful faces.

Funny and sensible as so much of this book is, there are questions to be asked. In a time when more and more mothers are working, some because they want to, many because they must, how terrified *should* they be? I yield to none in my commitment to breast-feeding, having spent three years of my life doing just that (thus delicately are reviewers' credentials established). But we know from literature that there have always been wet nurses; did the babies of these mothers of past times who did not want to be "tied down" suffer significantly from their divided allegiance? Ariès tells us that 19th-century French children were often "put out to nurse in some neighboring village," and we remember Mme. Bovary's depressing visit to the wet nurse, and Tolstoy's Natasha's atypical insistence on nursing her own baby. In every century before our own, moreover, the bonds between mothers and babies again and again were broken by death.

I have no intention of arguing that babies don't need to be loved by mothers, and fathers too (rarely mentioned here). But frightened working mothers might take courage from the British psychiatrist Michael Rutter's review of the literature of bonding studies, *Maternal Deprivation Reassessed* (Penguin Books, 1972). Though it is not nearly such attractive reading as *Every Child's Birthright*, it is more thorough, and far less categorical. It suggests that small humans are more resilient than they seem to be here. The "critical period" for human development, its length and nature, is still a matter for investigation, not for sure pronouncements. In any case, babies are more complex and more adaptable than Lorenz's graylag geese, and the worst day-care centers Fraiberg describes provide far more contact than Harlow's devastated monkey babies got from their milk-giving dummy. Her insistence that "one person . . . must be the primary and consistent care-giver for each baby," requires her to find even the "good" day-care programs inadequate. It would also exclude the traditional large family in which the littlest are variously taken care of by mother, father, and older children. That children in the kibbutzim do not seem to contract "diseases of nonattachment" from the change of mother substitutes is acknowledged by Dr. Fraiberg, but attributed to daily contact with their parents—contact which can equally be cited for most of the 6.5 million whose mothers work. Exaggeration is the prerogative of the advocate—but is the average working mother really away from home ten hours a day?

Rutter confirms Bowlby's emphasis on bonding, but sees it as a much more complex process. He finds "it is now clear that separation need not involve bond disruption," and questions Bowlby's insistence, reiterated by Fraiberg, "that the bond with the mother (or mother-surrogate) is different in kind from the bonds developed with others. . . . Most children develop bonds with several people and it appears likely that these are basically similar. . . . The chief bond . . . need not be with the chief caretaker," mother or not—"Schaffer and Emerson found that the principal attachment was to the mother in only half of the 18-month-old children they studied and in nearly a third of the cases the main attachment was to the father."

No one questions that children in poor institutions suffer both emotionally

A COMPARABLE SEASON

The cedar waxwing has fallen too much
in love with the juniper berry
this rough winter, carried his desire
fermenting into spring. We watch thawed skies
fill with the backward flight of birds,
imagine cross-country the shrouded hunter,
sharp as daybreak, gladly going beyond
his limit, greedy for the few remaining stars.

Katherine Soniat

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and cognitively. But that irreversible damage has been done is not something to be maintained without incontrovertible evidence. Among other things, that conviction can only serve to discourage the adoption of exactly those children who need it most. It is thus reassuring to read in Rutter that "Bowlby's initial conclusion that mothering is almost useless if delayed until after the age of 2½ years and useless for most children if delayed until after twelve months has not been supported by subsequent research. The question now is not whether the effects are irreversible, but rather how readily and how completely reversible are the effects with respect to each function impaired by deprivation."

Belief in a scientifically established determinism of the first two years may contribute to good ends. But it can also intensify among mothers that atmosphere of am-I-doing-it-right-it's-now-or-never anxiety which can threaten a baby's well-being as much as a change of baby sitters. That anxiety has been one of the unwanted side effects of the shifting professional pronouncements on infant care of the last fifty years. Paradoxically, it is an anxiety which it has been Dr. Fraiberg's life work to allay. □

New Texts for Government

DEMOCRACY FOR THE FEW. *By Michael Parenti. St. Martin's Press. 336 pp. $10.*

PHILIP GREEN

Democracy for the Few is one of the most important books by an American political scientist in recent years. It is the first book to take a comprehensive, textbook-like view of American Government and its institutions as the instruments not of "democracy" but of *capitalist democracy*. (In its text edition, indeed, it has already been adopted at many colleges and universities.) There is an extensive post-C. Wright Mills literature on elite and class domination of public policy making (names such as G. William Domhoff, Gabriel Kolko, and Robert Engler come readily to mind) and Michael Parenti builds, as one would expect, on this tradition. But no one before him has taken the standard textbook topics that we all studied in "American Government" courses—Congress, the Presidency, the judiciary, parties, the founding fathers, etc.—and systematically treated them as aspects of the one foundation topic: who owns, controls, distributes, and benefits from the wealth of the nation? Parenti having done that, and done it brilliantly, the teaching of American Government should never be the same again.

It's unnecessary, really, to give all or any of Parenti's examples of how some people have more power than others; no one denies that proposition, though the range of revealing situations he has unearthed adds up to a portrait of American democracy that will seem Boschian even to seasoned readers of *The Nation*. What is more to the point is the way in which Parenti restructures typical "debates" of mainstream social science and political journalism so that they are exposed as nondebates in which the crucial issues are simply avoided.

Thus, discussions of the political impact of television usually entail a spirited argument as to whether "liberals" control TV and dominate its newscasting. Why these same "liberals" should have kept the truth about the war in Vietnam from the TV audience for so many years, or ignored the brutal underside of American race relations for even longer, are questions that somehow don't get addressed. Parenti's analysis, on the contrary, does not start from meaningless surveys of the political affiliations of newscasters, but from a more profound basis that deserves to be quoted at length:

> Who controls the mass media? Five New York banks (Chase Manhattan, Morgan Guaranty Trust, First National City, Bankers Trust and the Bank of New York) own controlling shares in the three national television and radio networks . . . and are powerful shareowners of *The New York Times, Time,* Columbia Pictures and Twentieth Century-Fox. These banks have representatives on the board of the three networks and control all network fiduciary and debt financing functions. The networks themselves exercise a controlling interest over publishing houses, film companies and recording companies. . . Of the "independent" stations, 80 percent are network affiliates. Practically the only shows these "independents" produce are the local evening newscasts. . . Most of the remaining "independents" are affiliated with NET, the "educational" network, which receives almost all its money from the Ford Foundation (controlled largely by the Morgan and Rockefeller banks) and a few allied foundations. . . .

Thus specific TV programs are sometimes "partisan," in that one of the established political tendencies seems to be treated with more respect than another, but are also almost always "nonpartisan," in that only mainstream spokesmen and programs are treated with respect. Truly dissenting views about the profit system, the causes of inflation and recession, and so forth, get an airing only if they can be presented as provocative or even violent entertainment, otherwise:

> Journalists, columnists and telecasters who occasionally report facts troublesome to the established interests have had their copy censored by superiors. Relying on institutional authorities for much of their information, newspersons are disinclined to be critical of these sources. . . In general, most of what is reported as "news" is nothing more than the transmission of official views to an unsuspecting public.

As for the great staple of television, straightforward entertainment, "adversities are caused by ill-willed individuals

Philip Green, who teaches political science at Smith College, is working on a book on political equality.

DECADE OF DECISIONS

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William B. Quandt

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rather than by the economic and social system in which they live, and problems are solved by individual effort within the system rather than collective effort against it. Demonstrators, radicals, revolutionaries and foreign agents are seen as menacing our land, and the military and police as protecting it. . . ." In short, billions and billions of dollars are spent each year to insure that ideas about major structural changes (even when proposed to achieve ends that many people are in agreement on) will never get an airing, and that, of course, reinforces the notion that things as they are are generally good in this best of all possible worlds.

The lesson to be drawn from this one simple example is applied across the board by Parenti, with little stridency or exaggeration, and without overlooking the ways in which liberal democratic institutions differ from authoritarian or tyrannical ones. Looking at political institutions from this perspective, Parenti consistently overturns the conventional wisdom about their operation. Those institutions are of course loci of converging and competing pressures. But pressures from the owners and deployers of the nation's capital compete disproportionately; not only are their interests crucial but they represent a viewpoint that tends already to have been internalized by politicians and administrators, most of whom themselves belong to the class of owners or have been associated with it. Since government in capitalist democracies is indeed a conflict-managing institution, and since popular opinion (as Parenti notes) is generally to the Left of dominant class opinion and leadership behavior, so-called reformist legislation and administrative rulings often emerge, with grand impartiality, from the conflict process.

Most textbooks on American Government stop there, with a hosanna or two for "democratic pluralism." Parenti, though, writes not about that abstraction "politics" but rather of "political economy," a term which suggests that "politics" is not just about itself, but is about the way we all live our daily lives. Pursuing the actual effects of "political reform," then, he shows in the most decisive possible manner its generally illusory nature; shows, that is, that no matter what the outcomes of the democratic legislative process in America, power and powerlessness, wealth and want, remain distributed roughly as they have been; the division between those who mostly get what they want, those who struggle for a modicum of it, and those for whom getting *any* of what they want is a dream, remains largely untouched.

One of the most popular texts in American Government, by a noted sage of political liberalism, concludes by asking why every strategy for coalition-building seems to have grave disadvantages, and answers:

> The main source of trouble is an apparently inescapable fact: In the United States, any group of people who have virtually the same views on political questions, the same political loyalties and identifications is certain to be a *minority*.

So much the worse, we are invited to think, for *anyone's* effort truly to govern, to make government move in a favored direction. To which Parenti replies:

> What is curious about this argument is that it is never applied to more select minority interests—for instance, oilmen. Now oilmen are far less numerous than the poor, yet the deficiency of their numbers, or of the numbers of other tiny minorities like bankers, industrialists and millionaire investors, does not result in any lack of government responsivenses to their wants.

Never has the critique of allegedly democratic pluralism been better put, or more carefully conjoined, as throughout this book, with hard social fact.

All that having been said about a book which deserves almost nothing but praise, one nagging thought remains. Though it's difficult to do the job as thoroughly and persuasively as Parenti has done it, it's easy enough to indict American capitalist democracy for unnecessary and unproductive elitism, the elevation of monetary demand over human need, the subordination of social utility to private profit, and the corruption of those potentially democratic institutions that do exist amidst an uphill struggle to realize their potential. For example, most college students (the most obvious audience for this book) in my experience will accept unquestioningly not only these assertions but the most *outré* examples of oligarchic grossness that a Philip Roth might invent. The real problem, rather, is the recalcitrance of the American working class, or more decisively, of "the people," whenever they are asked to share *and act upon* the viewpoint of people such as Parenti, myself and, I imagine, many of *The Nation*'s readers.

Parenti properly emphasizes, of course, all the pressures that have worked to create that essential conservatism: the long history of violent suppression of labor militancy; the nature of mass media control (especially the ability to persuade people to be satisfied with symbolic rather than material satisfactions); the fact that "far from giving their assent" to the never-ending rape of the public purse by the wealthy, "ordinary people have had to struggle to find out what is going on." Above all he notes the structural problem that the owners and controllers of capital are the people who, in the short run in which we all live, arrange the effective functioning of the productive system: thus an attack on their function (as opposed to individualized attacks on "malefactors of great wealth") seems to threaten the ability of us all to go on making our daily living, on behalf of a promised but essentially unknown alternative future.

But with all these caveats, Parenti manages to present our problem as though it is simply tactical: to invent a radical program so cleverly conceived that it attracts more people than it frightens. In the end his appeal is to self-interest on a large scale, and he bolsters that appeal with references—correct insofar as they go—to polls showing that the electorate has left-wing attitudes on many policy issues. Thus he ignores the possibility that these attitudes may continue to coexist with or be subordinate to the anti-socialist, anti-"radical" attitudes which are also fundamental to mass political culture in the United States (and, more and more, in other advanced capitalist societies such as Great Britain, West Germany, or even France). It is not sufficient to give an account, however accurate, of *how* people came, through coercion, manipulation, and deception, to hold attitudes that are not in what an outside observer alleges to be "their" interests. For over time those attitudes become real in themselves, even if their origin may be said to be in some sense "false."

Parenti implicitly treats the conservative tendencies in American political culture as ephemeral, and the desires for major change as genuine. But it is not so clear which are really ephemeral, and which are enduring. Beyond criticism of American pseudo-democracy, we still have to confront this issue and, if my pessimistic surmise is correct, to elaborate the extremely complex strategy needed to turn public opinion around in a situation where every major institution exerts its full pressures to maintain the status quo. Parenti's critique of the democratic capitalist present is definitive; now it is time for him, for us all, to begin to concentrate on the next step. □

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The Perils of Compassion

THE VAST MAJORITY: A Journey to the World's Poor. *By Michael Harrington. Simon & Schuster. 281 pp. $9.95.*

ANDREW SILK

When I arrived in South Africa as a reporter three years ago, I suffered what might be called a "crisis of purity." I was a young man with conventional liberal credentials from a comfortable suburb of New York, yet in Pretoria I found myself part of the privilege I wanted to hate. I lived in the white part of the city, rode on white buses, ate in segregated restaurants. To most blacks, I was indistinguishable from the ruling South African whites.

Each time I went into a bus, I asked myself, "Do I cooperate with the system because I, too, am afraid to ride with blacks? If I do not feel guilty, have I begun to accept the system?" At the same time, I knew that I had to ride the bus if I was to function in the country at all.

What infuriated me those first months was not so much the poverty and oppression of the African people but the threat to my middle-class values. I was very much a prisoner of my comforts. I liked the thick Rhodesian steaks which were cheap in Pretoria. I liked uncrowded, clean buses. To forgo these seemed an impotent gesture, yet to enjoy them appeared a greater indictment of my commitment and revealed my hypocrisy.

This self-doubt is at the center of Michael Harrington's *The Vast Majority: A Journey to the World's Poor*. In journals of short trips to India, East Africa and Mexico as well as in a long theoretical discussion of underdevelopment, he writes of the painful conflict of a Western radical.

Even before his plane leaves for New Delhi, Harrington is disturbed by his motives. He is in part convinced that he has embarked on a useful project—a description of his confrontation with Third World suffering with the idea that he might awaken the conscience of other Americans. However, he also has the suspicion that he is going to India as a voyeur—to discover how much misery he can stand to look at. He is annoyed by his own opportunism.

Once in India, Harrington's doubt and confusion increases. He is hurt and frustrated by the begging children who gather around him because he does not know what signs to give to tell them that he is not like other whites—he cares more about their plight and will work harder to ease it. He is paralyzed by his compassion and in fact discovers that he may be of less immediate help to the children than a person of lesser social conscience. He refuses to give them money, for that would confirm his privilege and the impossible distance he feels from them. They expose his ambiguity about his own class and threaten him more than they would a man comfortable with his wealth. They bring out in Harrington a lurking fear that his fine sense of noblesse oblige is nothing more than a justification for his own comfort.

Throughout these journals, he writes most lucidly of the immense challenge the Third World presents to his own commitment to democratic socialism. The sight of Indian poverty brings out a "Stalinist temptation" to justify coercion in order to spur industrialization. He is surprised at having such thoughts in India at the height of the Emergency, when men are afraid to speak and meet with him. He struggles to keep his old faith intact.

At the same time, Harrington confesses that India, and perhaps the rest of the Third World, presents an even deeper challenge to his patience and his empathy. He writes with resignation at the end of the India journal,

> Once upon a time, say when I was at the *Catholic Worker*, this experience would have sent me, sandals unlatched, into a reckless search for all the huts in India. But my middle-aged truth is now much more conservative and unromantic and unsatisfying. I don't want to go and join them, to live like them, to share their agony. I am afraid—and that is natural.

Harrington's fear of martyrdom is healthy. Yet it is a shame that he did not spend more time in India or Africa or Latin America. For he never gets beyond his self-consciousness and the thankless task of trying to justify his own position and actions within a hideously unjust system. The privileged who want to help change such a society must transcend their guilt at their class and comfort in order to direct attention away from themselves to the real problems. I only began to learn about South Africa when, after almost half a year, an African said to me, "I do not really care if you live like a white. I know you have more money and can go where you want. I do care that we can put some of that aside and sit down and just talk."

This same limitation of self-consciousness hampers Harrington's theoretical discussion of underdevelopment. He is not at home enough in the Third World to be able to bring his theory close to the poverty he has traveled through. Instead he uses the discussion to explore his own problematic position within the American Establishment—as a man who attempts to influence the mainstream, but is sympathetic to Marxist analyses.

He writes to expose what he calls the "cruel ignorance" of many good and caring Americans who assent to a system which helps create and sustain Third World poverty. Multinational corporations, far from spurring an industrial revolution within the Third World, are turning vast areas of it into labor camps. As technology becomes increasingly more sophisticated, the dirty work of the world economy is either farmed out to the Third World to be done at low wages, or members of the poor countries are recruited to the North to work in factories under conditions the local working class would not accept.

Harrington is at great pains to distance himself from the "vulgar Marxists" who see the work of all multinationals as demonic. Yet at the same time, he is on unfamiliar ground, and often does little more than give his own reaction to the writings of neoclassical and neo-Marxist economists as well as Marx himself. It is hard to figure out where he stands.

He is more radical in his analysis than he is in his journals. Only occasionally does he bring the two together: on seeing Mexicans in a shantytown he writes movingly of how the growth of American business and the expansion of agriculture combine to dispossess the peasants of their land.

The Marxist theory of underdevelopment, much of which Harrington endorses, maintains that the expansion of capitalism results in the continuation of Third World poverty and forces deformed development in those countries. At times, Harrington appears to believe that there is little to stop the further immiserization of Third World countries aside from a violent struggle against capitalist domination of the world economy.

Yet he does not call for such a global confrontation. Instead, he urges mild reform: greater aid to the Third World, a cancellation of Third World debts, and an increase in the prices of commodities produced there. This is, he feels, as far as the American Gov-

Andrew Silk is a frequent contributor to The Nation.

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ernment could be persuaded to go.

But no sooner does he suggest these reforms than Harrington gives in to his radical suspicions. By enabling the existing relationship between First and Third Worlds to work more equitably for a while, the reforms may perpetuate the system and in the long run produce a greater crisis.

Harrington finally appears as frustrated by the intellectual challenge of the Third World as he is by the emotional challenge. He never resolves the tension between his liberal and radical commitments, and confronted with such ambivalence, the reader is tempted to throw up his hands and see the plight of the Third World as hopeless.

This feeling of desperation results from Harrington's failure to respond to the Third World on its own terms. He bases his analysis too much on Western guilt for he sees the Third World largely as our poor step-child. There may be a distorted truth in this. But Americans will only be able to rescue themselves from their cruel ignorance when they begin to see the underdeveloped world as it sees itself—as an independent people fighting internal struggles and looking for internal solutions. □

DANCE

NANCY GOLDNER

There's a stock gesture in 19th-century ballet which says, "Let's dance." The "speaker," holding her arms in a circle above her head, revolves her wrists around each other three or four times, and this signals the divertissement. Balanchine's ballets do not announce their intentions by any such preambles; their let's-dance spirit is manifest as soon as the curtain rises. That is why it is amusing to see the twelve ensemble girls in Balanchine's new *Ballo della Regina* allude to that old gesture soon after the ballet begins. It's the one piece of information we already know. Yet if any ballet has a right to invoke the gesture, *Ballo della Regina* is it. Set to the jolly ballet music from Verdi's opera *Don Carlo*, it is the essence of the let's-dance, or diverting, spirit, and it flashes by in such sunny delight of itself that it just about pre-empts comment. There it is—about twenty minutes of brilliant virtuosity—and if you don't like it, it means you don't like ballet. Put the other way around, liking it is as inevitable a reaction as liking a fine summer day.

The simplicity of this kind of response is the right one, I believe, but it doesn't describe what we see. We see a constant layering of ornamentation on basic steps, as though Balanchine were asking himself, "What's the most circuitous route from A to B?" It's the question of an impish troublemaker, and one that master technicians relish bringing to life. One platform for Balanchine's playful experimentation is the let's-dance gesture. But instead of letting the spiraling trail off, the wrists of the *Ballo* girls finish in a crossed position and then quickly spin back in reverse, toward their chests. Now you see it, now you don't. In this way a softly undulating gesture becomes a flourish of curlicues, as saucy as it is rococo. Every movement in *Ballo della Regina* is treated to this kind of fanciful ornamentation, but although it took a microscopic mind to conceive such possibilities of intricacy, the dancers' configurations are seen with high-noon clarity.

It is no accident that Balanchine has bestowed some of the most dazzling tatting of his career on Merrill Ashley. Certainly she is the most able technician I have ever seen and while it's reckless to talk in terms of best ever, facts are facts. Here is a dancer who, when asked to embroider quick *échappés* with intervening hops *on pointe*, can make us see—and I mean see—all the dots comprising the line; who, when asked to do those litttle jumps in a circle, can make us see that a circle contains 360 degrees, and that a body seen at a 30-degree angle makes quite a different picture, and sensation, than one seen at a 40-degree angle. In illustrating Balanchine's proposition that allegro speed, rather than blurring images, actually sharpens them, Ashley startles us by the way her leg keeps darting out in arabesque in the middle of a fast-turning sequence, like a lone flame escaping from a fire. One remembers it with a prick of pleasure. In considering Balanchine's proposition that all the fun is in getting there, one smilingly recalls the tiny shifts of weight Ashley fools with before she finally moves onto the left leg from the right. One sees the joke of it too: the moment of arrival is really the point of departure. In an extension of the humming-bird dance Balanchine made for Ashley in the last act of *Coppelia*, he here asks her to differentiate among many kinds of jumps *on pointe*. She hovers, and also pecks, bounces, chatters and giggles her toes in dialogues with the floor. And all the while that her legs are being so delicately precise, her torso and arms are coalescing the fuss down below into angled silhouettes that sting us by their exactitude of light and shadow. Is there ever a moment when the lady faces us squarely? Yes, there is one such—a large *développé* to the side so grand that it can afford to be flat. One is grateful for that instant of untinkered shape, and just as happy to leave it for the next zigzagged path. With Ashley leading the way, concepts such as "hard" and "tiring" evanesce. She inspires the audience to trip merrily, and mindlessly, along with her.

Although it is quite impossible to imagine *Ballo della Regina* without Ashley, its spirits are too gay to regard Balanchine's use of Ashley as *hommage*. Besides, there is something in Ashley's makeup that resists such treatment at this point in her development. *Hommage* implies an acknowledged exchange between maker and doer; the act of receiving impresses as forcefully as the act of giving. Ashley is the perfect tool; wind her up and she goes. She gives an accurate translation of Balanchine's ideas, but she is not a medium of exchange through which a double-voiced melody may emerge. She executes but hardly comments. The transparency with which she shows Balanchine to us bespeaks a certain blankness as well. I never get the sense that Ashley likes one ballet more than another, although certain ones suit her better than others. She shows us the pleasure of dancing, but nothing seems precious to her. If she is simply too expert a dancer to let us see the heady challenge of certain combinations of steps, she is too even-keeled to show us the exquisite importance of a particular phrase.

The short adagio in *Ballo*, for Ashley and Robert Weiss, begins with just such a morsel of exquisiteness. Ashley circles her raised leg around from front to back and alights on slightly bent legs before making another circle. That odd pause in *plié* could send a salty pang into the air if Ashley felt it as an odd moment, a moment in which *Ballo*'s merriment suddenly veers off into a darker color. It's precisely those flickering unpredictabilities that make all Balanchine ballets lifelike experiences; they are in particular what make his adagio sections the richest parts of his ballets. Ashley shows us how interesting that *plié* is, but she does not cause us to skip a breath. By failing to play with the incipient (beautiful) pain of a moment like that, she skirts the eye of the storm. I think we want our first dancers to plunge right into it, and one reason we want it is because Balanchine set us and the dancer up for it. Even in

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so modest an adagio as the one in *Ballo*, which doesn't intend or need to rise to the great heights of, say, *Concerto Barocco* or *Agon*, Balanchine still arranges a find-and-seek prologue to rev us up for the moment when a man and woman dance together as lovers. With Ashley (and Weiss too) cast as translators, we understand these preludes and resolutions only as so much more lovely ornamentation rather than as the crucial plot line they in fact are. Ashley treats pregnant pauses as though they were hot potatoes, not as the breathing spaces she is supposed to enliven by her own wits—and to ennoble with gratitude for the choreographer's trust. Ashley is becoming a better and better performer, as *Ballo della Regina* and recent presentations of *Stars and Stripes* and *Square Dance* prove, but the self-confidence implied in showmanship has yet to illuminate the gift-giving nature of Balanchine's choreography.

To appreciate deeply the care with which Balanchine has fashioned *Ballo della Regina* for his dancers—Ashley, Weiss, Debra Austin, Bonita Borne, Stephanie Saland, Sheryl Ware, as well as a few individuals from the ensemble—one looks to Debra Austin's positively glowing body as she leaps around the stage in her variation, one of four for the four demi-soloists. She is a superb jumper, but what makes this expansive solo so wonderful—indeed, in some ironic way the signature of what is actually a very tight ballet—is her sense of release in finally being able to do what she does best. Granted that the audience finds release in the broadness of her dance, just as it did in Ashley's big *développé* to the side, it's Austin's reaction to her dance as well as her execution of it that turns these moments into the most endearing of a thoroughly endearing ballet.

For what, after all, is more endearing than the snappy folderol that *is Ballo della Regina*—what more endearing than, in the finale, to watch Lisa de Ribere and Toni Bentley babble though the *pas de bourrées* with such quaint fuss as to suggest that ending up on the right side instead of the left is so crucial a choice that they must show us both ways over and over and over until there's no time left because the next two girls are already halfway across the stage and are just about to dash back to the corner so that they fly across again before Weiss takes over to clear the stage for Ashley.

What Verdi's interjecting chords of pomp and circumstance have to do with all this flurry is nothing. There they are, though, and the dancers obediently parade forward and back in a signature of fete as superfluous as the beginning let's-dance gesture. Of course, the solemnity of this fete is antithetical to the overriding tone first established by the arm flourishes. Yet for all one knows, superfluousness might be as much the subject of this ballet as gaiety. What I do know is that I found myself puzzled but also mildly amused by the pomp, and very amused when that tone was undercut by music-hall struts. The sharpness of the juxtaposition made it *all* turn out gay in the end. □

THEATRE

HAROLD CLURMAN

When Samuel Goldwyn asked George Balanchine to devise a dance number for a film, the choreographer asked, "What sort of thing do you have in mind?" "Modern," Goldwyn said. "But that's so old-fashioned," was Balanchine's immediate response.

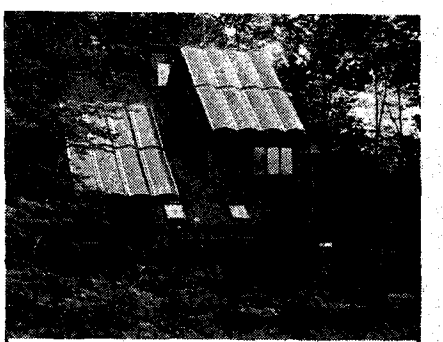
The story corresponds to my own reaction whenever the subject of "experimental theatre" is broached. The term is convenient, a sort of shorthand, but apart from that it signifies little. Cocteau once said that there was in fact no such thing as "expressionism": there were only Picasso, Monet, Renoir, et. al; every one of them different from the others. The same holds true for the theatre of cruelty, the theatre of the absurd and the avant-garde in general.

In most instances, these innovations repeat manifestations of the past. That is nothing against them. For example, the recently employed term "total theatre" could well be applied to the classic Greek theatre, the No and the Kabuki theatres which were a composite of speech, music, stylized movement and dance. Adding electronic sound and film makes them only arithmetically more "total." I am also skeptical of such an appellation as "participatory theatre" because all theatre is that, whether it be that of Shakespeare, Ibsen, Brecht, Reinhardt or Grotowski.

The nonverbal theatre, the very mention of which seems to enrapture some of our reviewers, has always existed and applies as much to the modern dance from Martha Graham to Merce Cunningham as to certain ancient rituals. It is interesting to note, by the way, that Lee Breuer of the Mabou Mimes troupe, an American director associated with the tendency, avers, "There's a swing just beginning to take place now, from a strong visual and movement-oriented theatre, to a new writers' theatre." And Richard Foreman of the "Ontological-Hysteric theatre" says, "I feel that . . . there is a counter movement away from what we've been doing. I feel that it's going to be more difficult to work in experimentalism."

With an enthusiasm equal to their celebration of nonverbal theatre, certain reviewers speak of the theatre which probes the unconscious. But I know of very little of what may be truly described as art that doesn't do that. Andrei Serban is listed among directors in this category, and I suppose he also fits into the nonverbal school, since he deals with such nonverbal dramatists at Chekhov, Aeschylus and Strindberg! All this sort of talk is gobbledy-gook.

Much of what passes at the moment for "new" in the theatre was in vogue in the 1920s, particularly in Russia and to some degree in Germany. In France, dadaism and after that surrealism were the "thing." In 1911 Konstantin Stanislavsky expressed a desire to move beyond the confines of his own realism but was honest and artist enough to know that he had not found the way. Vachtangov in his two major productions, *The Dybbuk* in 1922 and at about the same time *Princess Turandot*, based on Gozzi's 18th-century Italian comedy,



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departed entirely from the realism of his teacher, Stanislavsky. And Meyerhold, the Treplev of *The Sea Gull* and the Tusenbach of *The Three Sisters* in the original Moscow Art productions, progressed from symbolism in 1906-07 through a series of transitions from 1913 to 1917 to such masterpieces as his production of Ostrovsky's *The Forest* and most triumphantly to that of *The Inspector General.*

But note: these productions which, to begin with, disturbed almost as many people as they entranced, were not "experimental": they were thoroughly realized achievements. (Remember Picasso's sally, "I do not seek, I find.") Vachtangov's *Dybbuk* was wholly different from that of its more literal first production by the Vilma Troupe, but it was a completely self-sustained whole, a total play. The same was true of Meyerhold's *The Inspector General*, which took liberties with Gogol's text, but which nevertheless remained wholly intelligible and convincing as well as immensely fascinating, with a certain mordant grotesquerie entirely faithful to Gogol's spirit.

I should add that, while for the most part the majority of recent avant-garde or innovative productions employ old ("classic") texts, Meyerhold after 1925 staged the work of a number of new Soviet dramatists, and they too, even when the scripts were mediocre, became in his hands complete, exciting theatre, coherent dramatic statements. In 1934-35 I saw several of these productions. The only failure among them was one in which Meyerhold attempted to make Chekhov's one-act farces funnier and more satirical than they already were.

Andrei Serban's most effective work to date, his Euripides trilogy, was "nonverbal" only in the sense that he couched it in Latin and Greek and the text could be followed only to the extent that the audience knew the plot. Grotowski's *The Constant Prince*, based on Calderon, and his *Acropolis* were in Polish, of which most of us are ignorant, and might have puzzled even those who knew the language because of the peculiar rapidity and violence with which the lines were spoken; still they were, to my eye and mind, moving and meaningful. I found more substance, albeit juvenile, in Schechner's *Dionysus 1969*, which diluted and deformed *The Bacchae*, than in his *Oedipus*, which uses the integral Seneca text as adapted by Ted Hughes.

Every original artistic expression of more or less enduring significance from, let us say, Hugo's *Hernani* in 1830 to Beckett's *Godot*, was resisted at first (as were Ibsen and Chekhov, and in music, of course, Stravinsky's *Sacre*!) but none was what today we dub "experimental." What one saw at the recent Bunch Experimental Theatre Festival (I did not see all the offerings) I would rather call workshop efforts. There were here and there many suggestive moments, colorful bits which may ultimately serve as an extension of our general theatre "vocabulary."

Surrealism has contributed a good deal to some of the new American work. (Artaud founded a short-lived surrealist company in 1927, but the first surrealist play I ever saw was one by Raymond Roussel in Paris in 1924. Before that, there had been Jarry's *King Ubu* in 1896 and Apollinaire's *Tiresias' Breasts*, written in 1903; first produced in 1917.) Surrealism's most permanent contribution, I believe, was in the field of painting, but the visual alone—which is the aspect most salient in the American productions of this type—lacks dramatic propulsion. I confess, however, to having enjoyed Magritte-like images in certain of Richard Foreman's pieces. They create a special atmosphere, a romantically melodramatic or nightmare atmosphere that comes close to being a spoof on the theatre of shivers.

Still, the fact that so much of what I saw struck me as derivative of an earlier European theatre does not, I repeat, negate their value, any more than the fact that our best American playwrights from 1920 to 1970 are not on the levels of Ibsen, Strindberg, Chekhov, Pirandello or Brecht is a reason to belittle them. *Our* artists are of utmost importance to us! What is decisive is not any particular method or style, whether or not verbal material is used, texts altered or transposed but what is being said, sensed, felt. It is the function of criticism not to "oh" and "ah" in ecstasy at the so-called novelty of the "experiments" but to define exactly what is being expressed and to determine its value. In some of the accounts of the Bunch exhibits, I felt that the reviewers need not have been present at all to write as they did. They performed as prior advocates or publicity agents.

One thing more should be said of most of these latter-day forays: it disturbs me that there is so little interesting acting in them; the actor as an individual has all but disappeared, the director, along with the designers, having taken over. This may be only an illusion on my part because most of the emphasis has been placed on movement and physical agility. But even in this I find more pluck than skill. This in turn probably stems from the fact that our struggling "fringe" groups are rarely given as much time as their European counterparts to perfect themselves in the execution of the tasks they undertake. In this respect, the Americans are still largely amateur. I have seen more brilliant physical ploys (body work) even in the production of realistic plays by the Moscow Art Theatre (not to mention in Meyerhold's productions) than in the Bunch attempts at athleticism. In this area only our ballet and modern dancers excel.

I end now with an almost unseemly paradox. Whether or not it be "art" or "theatre," what impressed me as most original during the Bunch season was a truly subversive "theatre concept" called *Pig, Child, Fire* presented by the "Squat" collective, which came to us from Hungary. It would require more space than there is room for here to describe the assemblage of inanities, insanities, obscenities and abominations performed almost casually, and presumably without rhyme or reason, in this show. The real innovation is in the use of stage space that looks out through the glass front of what is a store on an actual New York street.

The weird, sometimes shockingly funny, happenings in the "store" (or stage) cannot but call themselves to the attention of passers-by, who stare in puzzled disbelief, stunned curiosity or empty-minded mockery. Willy-nilly, they become participants in the show, almost the main actors or point of the entire event. Their attitudes while watching the proceedings are very much like ours as every day we hear about, listen to, and witness the foul farce of our civilization's passing parade. These onlookers—some of the troupe's actors stand among them so we are not always sure which are the actors and which members of the crowd—become metaphors for all of us, the dizzy and dazzled population of our day. Even the taxies passing on the street become part of the "scenery," and thus part of the play and we look at them as if we hadn't ever before seen such things!

On the essential problem involved in the phenomenon of the "new"—if you insist, the experimental—theatre, I cannot help once again pondering Treplev's words in *The Sea Gull*: "I come more and more to the conviction that it is not a question of new and old forms, but what matters is that a man should write without thinking about forms at all, to write because it springs truly from his soul."

I am well aware that new forms

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when they are not simply gimmicks or fashions arise from a personal intent that is in a considerable measure socially conditioned, that is, a reaction to the particular world in which we (and the artist) live. It takes time before such impulses emerge as complete works of art. Meanwhile, what is produced in the "workshops" are the instruments whereby a mature consciousness may eventually be conveyed. In the process the raw ingredients may occasionally explode and make a mess, but I hope never to scorn them. □

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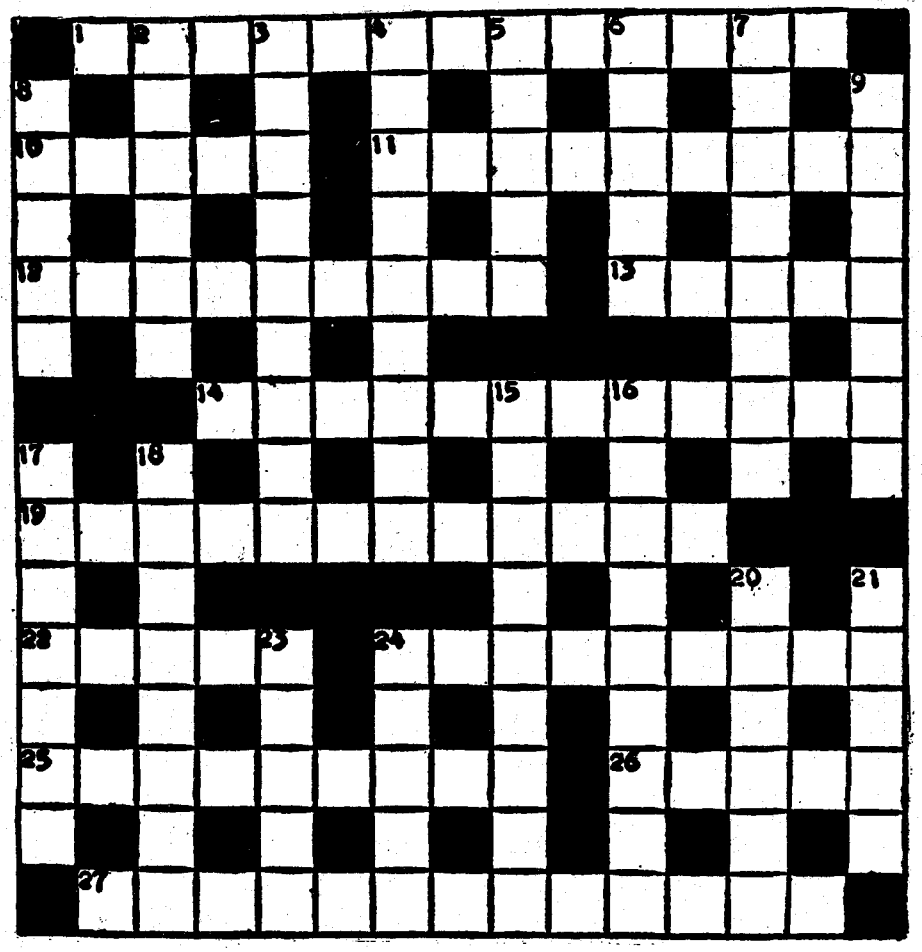
Crossword Puzzle No. 1712

FRANK W. LEWIS



ACROSS

1 Concerning the handling of a speck of dust, the operator doesn't have to be on the scene with it. (6,7)
10 Works, in a sense, on the musical stage. (5)
11 Not a long break in the journey—"second" would be fairly close to this. (9)
12 What comes back in the little devils? "No, sir!" one says, and shuts up! (9)
13 Colleen, state briefly a connection with the rebels! (5)
14 See 17 down
19 Some hope that 8 will act as one, on top looking for at least a little down. (4,8)
22 Deck at the bottom, otherwise cut off. (5)
24 Mix up things with diamonds and such, with what a young man might feel in the spring. (9)
25 An age true to form—promise? (9)
26 Played in *Twelfth Night* and in many other performances. (5)
27 Such as Eisenhower's little three-wheeler, though a lot of people won't work with it. (7,6)

DOWN

2 You have no obligation to be so. (6)
3 and 23 down Piloting a U-2, would you be so, or is this more of a moral uplift? (2,1,6,5)
4 When S.C. once settles down, you'll find hides there. (9)
5 Relatively high winds. (5)
6 A motet composition might be associated with the family. (5)
7 Being unqualified, I got hurt badly. (8)
8 It might be good for you to be No. 1 on the scale. (5)
9 Not quite socket wrenches, but almost. (7)
15 Sprays, perhaps. (9)
16 Spiritual waters? (4,5)
17 and 14 across How one sticks it out, with varying consistency. (7,5,3,4)
18 Backing one auto in a thousand, according to the French, might provide the turning power. (8)
20 In old wine, you might find where valuables could be put in time of trouble. (2,4)
21 Proving a bird might hold a lot of water there. (5)
23 See 3 down
24 It might be written as a skit away up north. (5)

SOLUTION TO PUZZLE NO. 1711

ACROSS: 1, 22 and 9 The worst is yet to come; 5 and 12 Stablemates; 10 Naivete; 11 Overact; 13 Zookeeper; 14 Nemea; 16 Sheathed; 19 Idle talk; 24 Pollyanna; 26 Eliza; 28 Chillon; 29 Emoting; 30 Sunday; 31 Syndrome. DOWN: 1 Tenement; 2 Exist; 3 Overstate; 4 Sneezes; 6 Theme; 7 Blasphemy; 8 Enters; 15 Medallion; 17 Twice-told; 18 Strangle; 20 Awning; 21 Knavery; 23 Epochs; 25 Yalta; 27 Inigo.

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